federal register

FRIDAY, JUNE 15, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 115

Pages 15711–15807

PART I

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HIGHLIGHTS OF THIS ISSUE

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

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

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federal register

Area Code 202 Phone 962–8626

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

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Confidential Staff Assistant to the Deputy Special Representative for Trade Negotiations is excepted under schedule C.

Effective on June 15, 1973, § 213.3303 (d) (6) is added as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(d) *Office of the Special Representative for Trade Negotiations.*

* * * * *

(6) One Confidential Staff Assistant to the Deputy Special Trade Representative.

* * * * *

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

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

[FR Doc.73–11968 Filed 6–14–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Special Assistant to the Deputy Director, Office of Minority Business Enterprise, is excepted under schedule C.

Effective on June 15, 1973, § 213.3314 (a) (28) is added as set out below.

§ 213.3314 Department of Commerce.

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

(28) One Special Assistant to the Deputy Director, Office of Minority Business Enterprise.

* * * * *

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

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

[FR Doc.73–11967 Filed 6–14–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Occupational Safety and Health is excepted under schedule C.

Effective on June 15, 1973, § 213.3315 (a) (22) is amended as set out below.

§ 213.3315 Department of Labor.

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

(22) Three Special Assistants to the Assistant Secretary for Occupational Safety and Health.

* * * * *

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

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

[FR Doc.73–11969 Filed 6–14–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Confidential Assistant to the Assistant Secretary for Marketing and Consumer Services is excepted under Schedule C.

Effective on June 15, 1973, § 213.3313 (a) (9) is amended as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary* * * *

(9) Two Confidential Assistants to the Assistant Secretary for Marketing and Consumer Services.

* * * * *

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

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

[FR Doc.73–11966 Filed 6–14–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the time limitation of the 1970 Decennial Census period on the Schedule C position of Confidential Research Assistant to the Director, Bureau of the Census is removed.

Effective on June 15, 1973, § 213.3314 (d) (2) is amended as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(d) *Bureau of the Census.* * *

(2) One Confidential Research Assistant to the Director.

* * * * *

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

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

[FR Doc.73–11965 Filed 6–14–73;8:45 am]

PART 831—RETIREMENT

Voluntary Retirement in Major Reductions in Force

Subpart A is amended by adding a section specifying the requirement for a written request before the Commission will make a determination on a question of major reduction in force referred to in 5 U.S.C. 8336(d).

§ 831.109 Major reduction in force.

Determinations of major reductions in force for purposes of immediate retirement under section 8336(d) (2) of title 5, United States Code, will be made by the Commission only after receipt of written request to make the determinations from the agency head, or his designee.

(5 U.S.C. sec. 8336.)

Effective date.—June 12, 1973.

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

[FR Doc.73–12113 Filed 6–18–73;10:42 am]

Title 9—Animals and Animal Products

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

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

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Holt County in Nebraska and Jim Wells County in Texas were deleted from the list of modified certified brucellosis areas on May 17, 1973. Since said date, it has been determined that said counties again come with the definition of § 78.1(i); and therefore, they have been redesignated as modified certified brucellosis areas.

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

78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as "modified certified brucellosis areas":

Alabama: The entire State.
Alaska: The entire State.
Arizona: The entire State.
Arkansas: The entire State.
California: The entire State.
Colorado: The entire State.
Connecticut: The entire State.
Delaware: The entire State.
Florida: The entire State.
Georgia: The entire State.
Hawaii: The entire State.
Idaho: The entire State.
Illinois: The entire State.
Indiana: The entire State.
Iowa: The entire State.
Kansas: The entire State.
Kentucky: The entire State.
Louisiana: The entire State.
Maine: The entire State.
Maryland: The entire State.
Massachusetts: The entire State.
Michigan: The entire State.
Minnesota: The entire State.
Mississippi: The entire State.
Missouri: The entire State.
Montana: The entire State.
Nebraska: Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Brown, Boyd, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties.
Nevada: The entire State.
New Hampshire: The entire State.
New Jersey: The entire State.
New Mexico: The entire State.
New York: The entire State.
North Carolina: The entire State.
North Dakota: The entire State.
Ohio: The entire State.
Oklahoma: The entire State.
Oregon: The entire State.
Pennsylvania: The entire State.
Rhode Island: The entire State.
South Carolina: The entire State.
South Dakota: The entire State.
Tennessee: The entire State.
Texas: Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadelupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Madison, Marion, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Pala Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Roberston, Rockwell, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patrico, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties.
Utah: The entire State.
Vermont: The entire State.
Virginia: The entire State.
Washington: The entire State.
West Virginia: The entire State.
Wisconsin: The entire State.
Wyoming: The entire State.
Puerto Rico: The entire area; and
Virgin Islands of the United States: The entire area.

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

Effective date.—The foregoing amendment shall become effective June 15, 1973.

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

Done at Washington, D.C., this 13th day of June 1973.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-12002 Filed 6-13-73;9:46 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-805]

PART 233—TRANSPORTATION OF MAIL; FREE TRAVEL FOR POSTAL EMPLOYEES

Part 233 of the Board's Economic Regulations (14 CFR part 233) has heretofore provided, inter alia, that air carriers which transport mail must provide free transportation to persons in charge of the mail when on duty, and to certain other specified postal employees when traveling on official business relating to the transportation of mail by aircraft. These provisions have been consistent with, and pursuant to, section 405(j) of the Federal Aviation Act.[1]

The Postal Service has filed a petition for rulemaking[2] in which it points out that the Postal Reorganization Act[3] narrowly limits free transportation for postal employees only to "persons on duty in charge of the mails or when traveling to and from such duty."[4] It is the view of the Postal Service that, insofar as section 405(j) of the Federal Aviation Act requires that free air transportation be furnished also to certain other postal employees, that provision was impliedly repealed by the narrower provision on the same subject in the Postal Reorganization Act. Since the Postal Service further states that it will not, in the foreseeable future, initiate any service which would require postal employees to be on duty in charge of the mails on board an aircraft, it requests that part 233 be repealed in its entirety.

We defer to the above-stated view of the Postal Service. Accordingly, we are amending Part 233 so as to provide for free transportation only for postal employees who are on duty in charge of the mails, or traveling to or from such duty. We are not, however, adopting the Postal Service's suggestion that Part 233 be repealed in its entirety. It is appropriate for us to retain regulations applicable to the provision of free air transportation for postal employees to the extent that such free transportation may be required of air carriers under the Postal Reorganization Act, notwithstanding that the Postal Service does not presently intend to avail itself of such free transportation in the foreseeable future. Thus, if the Postal Service decides in the future to change its present policy with respect to the exercise of its statutory authority to obtain free air transportation for some of its employees, our existing regulations will be available.[5] On the other hand, so long

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[1] Sec. 405(j), 49 U.S.C. 1375(j), reads as follows:

"Every air carrier carrying the mails shall carry on any plane that it operates and without charge therefor, the persons in charge of the mails when on duty, and such duly accredited agents and officers of the Post Office Department, and post office inspectors, while traveling on official business relating to the transportation of mail by aircraft, as the Board may be regulation prescribe, upon the exhibition of their credentials."

[2] Docket 23989.

[3] 39 U.S.C. 101, et seq., Public Law 91-375, Aug. 12, 1970.

[4] 39 U.S.C. 5007. The Postal Service says that the phrase, "persons on duty in charge of the mails," has long been construed to mean only persons sorting mail en route, and the supervisors of such persons.

[5] We are deleting § 233.2, which prescribes procedures governing credentials and requests for free transportation by classes of persons who will no longer be covered by Part 233, and we are also deleting § 233.3, which requires reports to be filed with respect to such requests.

as such free transportation is not used, the continued existence of Part 233 will constitute no more than harmless surplusage.

Since this rule imposes no burden upon any person but merely constitutes an amendment to the Board's regulations of an interpretative and technical nature, so as to render them consistent with the Postal Reorganization Act, the Board finds that notice and public procedure hereon are unnecessary and the amendment may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends and reissues Part 233 of its Economic Regulations (14 CFR Part 233), effective June 12, 1973, as follows:

Sec.
233.1 Postal employees to be carried free.
233.2 Issuance of credentials and authorization of travel by Postal Service.

AUTHORITY.—Sec. 204(a) and 405(j) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760; 49 U.S.C. 1324, 1375; sec. 2 of the Postal Reorganization Act, 84 Stat. 767; 39 U.S.C. 5007.

§ 233.1 Postal employees to be carried free.

Every air carrier transporting the mails shall carry, on any flight that it operates and without charge therefor, persons on duty in charge of the mails or traveling to or from such duty, upon the exhibition of their credentials.

§ 233.2 Issuance of credentials and authorization of travel by Postal Service.

With regard to free air travel by the persons described in § 233.1, the Postmaster General shall be responsible for: (a) The issuance of proper credentials for such persons and (b) the authorization of travel by such persons, subject to such rules and regulations as he may prescribe.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-11978 Filed 6-14-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Chloramphenicol Ophthalmic Ointment, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (65-158V) filed by EVSCO Pharmaceutical Corp., 3345 Royal Avenue, Oceanside, N.Y. 11572, proposing the safe and effective use of chloramphenicol ophthalmic ointment, veterinary, for the treatment of cats and dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135a is amended in § 135a.29 by revising paragraphs (b) and (c) as follows:

§ 135a.29 Chloramphenicol ophthalmic ointment, veterinary.

* * * * *

(b) *Sponsor.*—See code No. 049 for use in accordance with paragraph (c)(1)(i) and code No. 053 for use in accordance with paragraph (c)(1)(ii) in § 135.501.

(c) *Conditions of use.*—(1) It is used in dogs and cats for the treatment of bacterial conjunctivitis caused by pathogens susceptible to chloramphenicol as follows:

(i) It is applied every 3 hours around the clock for 48 hours after which night installations may be omitted. Treatment should be continued for 2 days after the eye appears normal.

(ii) It is applied to affected eye four to six times daily for the first 72 hours depending upon the severity of the condition. A small amount of ointment should be placed in the lower conjunctival sac. Continue treatment for 48 hours after eye appears normal.

(2) Therapy for cats should not exceed 7 days. Prolonged use in cats may produce blood dyscrasias. If improvement is not noted in a few days a change of therapy should be considered. When infection is suspected as the cause of a disease process especially in purulent or catarrhal conjunctivitis, attempts should be made to determine through susceptibility testing, which antibiotics will be effective prior to applying ophthalmic preparations. This chloramphenicol product must not be used in animals producing meat, eggs, or milk. The length of time that residues persist in milk or tissues has not been determined.

(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 June 15, 1973.

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

Dated June 8, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-11927 Filed 6-14-73;8:45 am]

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

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Placement of Benzphetamine, Chlorphentermine, Clortermine, Diethylpropion, Mazindol, Phendimetrazine, and Phentermine in Schedule III, and Placement of Fenfluramine in Schedule IV

Notices were published in the FEDERAL REGISTER on May 9 and 10, 1973, proposing placement of benzphetamine (38 FR 19119), chlorphentermine (33 FR 12120), clortermine (38 FR 12121), diethylpropion (38 FR 12230), mazindol (38 FR 12124), phendimetrazine (38 FR 12126), and phentermine (38 FR 12127) in schedule III of the Controlled Substances Act, and fenfluramine (38 FR 12123) in schedule IV of the Controlled Substances Act. All interested persons were given until June 7, 1973, to file objections, comments, or requests for a hearing. A notice was published in the FEDERAL REGISTER on May 31, 1973, extending the time for filing to June 11, 1973 (38 FR 14288).

No objections nor requests presenting reasonable grounds for a hearing regarding the proposed orders on benzphetamine, chlorphentermine, clortermine, mazindol, and phendimetrazine were received. An objection and request for a hearing regarding the proposed orders on phentermine and fenfluramine was filed on May 21, 1973, and supplemented on June 11, 1973, by Pennwalt Corp. Details of these filings are discussed under the headings "Fenfluramine" and "Phentermine" below. An objection and request for a hearing regarding the proposed order on diethylpropion was filed on June 11, 1973, by Merrell National Laboratories, a division of Richardson Merrell, Inc. Details on this filing are discussed under the heading "Diethylpropion" below.

A comment was filed on May 23, 1973, by Lexington Chemical Co., Inc., Waltham, Mass., requesting that adequate time be provided between the publication of a final order and the effective date of such an order to provide industry sufficient opportunity to adjust to the new controls. The Bureau has considered this suggestion and believes that the effective dates set in this order comply with the spirit of the comment.

BENZPHETAMINE

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201 (a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, benzphetamine has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although chemically and pharmacologically this drug is closely related to the other anorectic drugs now being controlled and to the stimulants now listed in schedule II, present data regarding excessive usage, diversion, illicit sales, and abuse of benzphetamine is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Benzphetamine has a currently accepted medical use in treatment in the United States.

3. Abuse of benzphetamine may lead to high psychological dependence.

The Director has concluded from his review of the current situation that control of all anorectic drugs, including benzphetamine, is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the

congressional mandate to act before substantial problems have arisen. The Upjohn Co., the only manufacturer of benzphetamine in bulk or dosage form in the United States, has fully cooperated with the Bureau and has consented to the placement of benzphetamine in schedule III to insure that it does not become subject to abuse in the future.

CHLORPHENTERMINE

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201 (a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, chlorphentermine has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although chemically and pharmacologically this drug is closely related to the other anorectic drugs now being controlled and to the stimulants now listed in schedule II, present data regarding excessive usage, diversion, illicit sales, and abuse of chlorphentermine is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Chlorphentermine has a currently accepted medical use in treatment in the United States.

3. Abuse of chlorphentermine may lead to high psychological dependence.

The Director has concluded from his review of the current situation that control of all anorectic drugs, including chlorphentermine, is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen.

CLORTERMINE

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, clortermine has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although chemically and pharmacologically this drug is closely related to the other anorectic drugs now being controlled and to the stimulants now listed in schedule II present data regarding these properties is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Clortermine will, upon the approval of new drug application by the FDA, have a currently accepted medical use in treatment in the United States.

3. Abuse of clortermine may lead to high psychological dependence.

The Director has concluded from his review of the current situation that control of all anorectic drugs, including clortermine, is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen. The USV Pharmaceutical Corp., the only firm intending to market clortermine in the United States, has fully cooperated with the Bureau. Upon the conditions set forth in a letter to the Bureau from counsel for USV Pharmaceutical Corp. dated April 20, 1973, the manufacturer has consented to the placement of clortermine in schedule III to insure that it does not become subject to abuse in the future.

DIETHYLPROPION

The Bureau proposed placement of diethylpropion in schedule III, because it is one of the anorectics, control of which is desirable at this time (38 FR 12127).

Merrell National Laboratories, a division of Richardson Merrell, Inc., the only manufacturer of diethylpropion in the United States, filed comments, objections, and a request for a hearing regarding diethylpropion on June 11, 1973. In light of these objections and request for a hearing, the Director will not issue a final order controlling diethylpropion at this time.

FENFLURAMINE

The Pennwalt Corp., a manufacturer of a phentermine product called "Ionamin", filed comments, objections, and a request for a hearing regarding phentermine and fenfluramine on May 21, 1973. The comments of Pennwalt Corp. include the following paragraphs:

> Pennwalt Corp. has no objection to the scheduling of "Ionamin" in schedule III, provided that the same scientific and legal principles which would lead to this scheduling of "Ionamin" are also applied to any other relevant product. Our objection, specifically, is that on the basis of information available to Pennwalt Corp. and to the field generally, there would appear to be more basis, or at least an equal basis, for placing fenfluramine in an equal or more restrictive schedule than "Ionamin".
>
> It is Pennwalt's position that the Department of Health, Education, and Welfare erred in recommending to the BNDD that the products listed above, except for fenfluramine, be placed in schedule III, and that fenfluramine be placed in schedule IV. The basis for Pennwalt's position is twofold:
>
> 1. To the best of Pennwalt's knowledge, information and belief, the record of "Ionamin" with respect to abuse or any adverse consequences hardly rises to the de minimis level. There is no study, to our knowledge, by any reputable physician or institution which suggests that the risks, if any, in marketing "Ionamin" rise to the level of risk apparently already established for the use of fenfluramine.
>
> 2. The evidence with respect to the use of fenfluramine in Scotland, South Africa, and Jamaica, suggests to the physicians reporting their studies the risk of serious abuse, and serious withdrawal symptoms following the use of fenfluramine in controlled studies.
>
> * * * * *
>
> [Descriptions of five exhibits submitted by Pennwalt omitted.]
>
> * * * * *
>
> Pennwalt is aware that the Bureau of Narcotics and Dangerous Drugs, and presumably the Department of Health, Education, and Welfare, were aware of possible abuse in South Africa, as stated at page 12123 of the FEDERAL REGISTER, volume 38, No. 89, but Pennwalt believes that the material transmitted herewith demonstrates the basis upon which evaluation of fenfluramine should be made, when compared to the other products noted above.
>
> In summary, fenfluramine appears to be the only product as to which there is serious adverse medical literature of record, and Pennwalt therefore believes that, as noted above, the scheduling of fenfluramine should be at no more permissive schedule than provided for the other relevant products.

On June 1, 1973, the Bureau notified Pennwalt Corp. that no objection had been raised regarding the control of fenfluramine, but only to the propriety of its placement in schedule IV. The Bureau interpreted this objection as a proposal to control fenfluramine in schedule III or, if fenfluramine is controlled in schedule IV as proposed, a petition to transfer fenfluramine from schedule IV to schedule III. Pennwalt Corp. was informed that, unless the company requested otherwise, the Bureau would consider the comments as a petition to place fenfluramine in schedule III and not as an objection to the current proposal to place fenfluramine in schedule IV. (A hearing on the proper schedule for fenfluramine would therefore be held only after receipt of the report of the Secretary of Health, Education, and Welfare, which has been now requested.) Pennwalt Corp. has not requested otherwise and no other objections have been received regarding the fenfluramine proposal.

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201 (a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information evaluated up to this time, fenfluramine has a low potential for abuse relative to the drugs or other substances currently listed in schedule III. Although chemically and/or pharmacologically this drug is related to the other anorectic drugs now being controlled and to the stimulants now listed in schedule II, present data regarding excessive usage, diversion, illicit sales, and abuse in other countries is not substantial enough to warrant a finding that fenfluramine has a potential for abuse equal to the stimulants in schedule II or to the other anorectic drugs now being controlled. In addition, certain tests cited in the letter from the Department of Health, Education, and Welfare suggest a lower abuse potential for fenfluramine.

2. Fenfluramine will, upon the approval of a new drug application by the FDA, have a currently accepted medical use in treatment in the United States.

3. Abuse of fenfluramine may lead to limited physical dependence relative to the drugs or other substances in schedule III.

In making these findings, the Director is aware that material filed by the Pennwalt Corp., material previously referred to the Department of Health, Education, and Welfare for evaluation concerning possible abuse of fenfluramine in South Africa (see 38 FR 12123, May 9, 1973), and other evidence which may become available might necessitate findings regarding the abuse potential and dependence liability of fenfluramine justifying placement of the substance in schedule III. Therefore, the findings made in this order should not be construed as precluding new findings regarding fenfluramine in the near future in light of such evidence.

The Director has concluded from his review of the current situation that control of all anorectic drugs, including fenfluramine, is at this time to prevent their becoming widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen. The A. H. Robins Co., the only firm intending to market fenfluramine in the United States, has fully cooperated with the Bureau and has consented to the placement of fenfluramine in schedule IV to insure that it does not become subject to abuse in the future.

MAZINDOL

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201 (a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (a) and (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, mazindol has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although pharmacologically this drug is closely related to the other anorectic drugs now being controlled and to the stimulants now listed in schedule II, present data regarding these properties is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Mazindol will, upon the approval of a new drug application by the Food and Drug Administration, have a currently accepted medical use in treatment in the United States.

3. Abuse of mazindol may lead to high psychological dependence.

The Director has concluded from his review of the current situation that control of all anorectic drugs, including mazindol, is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen. Sandoz-Wander, Inc., the only firm intending to market mazindol in the United States, has fully cooperated with the Bureau and has consented to the placement of mazindol in schedule III to insure that it does not become subject to abuse in the future.

PHENDIMETRAZINE

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, phendimetrazine has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although chemically and pharmacologically this drug is closely related to the other anorectic drugs now being controlled and to the stimulants now listed in schedule II, present data regarding excessive usage, diversion, illicit sales, and abuse of phendimetrazine is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Phendimetrazine has a currently accepted medical use in treatment in the United States.

3. Abuse of phenmetrazine may lead to high psychological dependence.

The Director has concluded from his review of the current situation that control of all anorectic drugs, including phendimetrazine, is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen. The Ayerst Laboratories Division of the American Home Products Corp., the largest manufacturer of phendimetrazine in the United States and the only firm with a new drug application for phendimetrazine approved by the Food and Drug Administration, has fully cooperated with the Bureau and has consented to the placement of phendimetrazine in schedule III to insure that it does not become subject to abuse in the future.

PHENTERMINE

The Bureau proposed placement of phentermine in schedule III, because it is one of the anorectics control of which is desirable at this time (38 FR 12127).

The Dorsey Laboratories, Division of Sandoz-Warner, Inc., one of the two manufacturers of phentermine in the United States, has fully cooperated with the Bureau and has consented to the placement of phentermine in schedule III to insure that it does not become subject to abuse in the future.

Pennwalt Corp., the other manufacturer of phentermine in the United States, filed comments, objections, and a request for a hearing regarding phentermine and fenfluramine on May 21, 1973. The major portion of these comments were set forth above under the heading "Fenfluramine." On June 11, 1973, Pennwalt Corp. supplemented its filing regarding its objections on phentermine. In light of these objections and request for a hearing, the Director will not issue a final order controlling phentermine at this time:

CONCLUSION

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director orders that:

1. Paragraph (b) of § 308.13 of title 21 of the Code of Federal Regulations be amended to read:

§ 308.13 Schedule III.

* * * * *

(b) *Stimulants.*—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances	1405
(2) Benzphetamine	1230
(3) Chlorphentermine	1645
(4) Clortermine	1647
(5) Mazindol	1605
(6) Phendimetrazine	1620

* * * * *

2. Section 308.14 of title 21 of the Code of Federal Regulations be amended by the addition of a new paragraph to read:

§ 308.14 Schedule IV.

* * * * *

(c) *Fenfluramine.*—Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

(1) Fenfluramine	1670

FUTURE ACTION REGARDING ANORECTICS

Because of the similarities among the substances controlled by this order, and between those substances and the stimulants currently listed in schedule II, the Director is controlling these substances at this time in order to prevent their becoming the subject of abuse as amphetamines become less available in the illicit

market through the operation of the Bureau's regulatory controls and criminal enforcement actions. The Director believes that evidence suggests these anorectics may be future targets of stimulant abusers.

The Bureau will monitor the manufacture, distribution, and use of benzphetamine, chlorphentermine, clortermine, fenfluramine, mazindol, and phendimetrazine in the United States, paying special attention to indicators of diversion (such as shortages in accountability audits of distributors and dispensers, thefts from handlers, and availability on the illicit market) and to other indicators which indicate that any of these substances are actually being abused (such as excessive prescribing and dispensing, reports of adverse reactions and overdoses, and other medical experiences).

The Bureau will also consider, if available, clinical and other research in abusability, dependence-creating, and dependence-sustaining characteristics of any of these substances. If, after 18 months during which these drugs are marketed, experience suggests that any of them have not been subject to significant diversion or abuse, the Director will review the necessity and desirability of maintaining it in schedule III (or, in case of fenfluramine, schedule IV) and will request from the Secretary of Health, Education, and Welfare a new scientific and medical evaluation, and his recommendation, as to whether that substance should be so controlled or removed as a controlled substance.

Any interested person may petition the Bureau to decontrol any of these substances at any time. If any petition is received to decontrol any one of these substances, or if the Director, based upon the review mentioned above, requests the evaluation and recommendation of the Secretary of Health, Education, and Welfare on any of these substances, all of the remaining substances will also be reviewed and, where appropriate, evaluations and recommendations regarding them will also be requested of the Secretary.

EFFECTIVE DATES

The requirements imposed upon the anorectic substances controlled by this order shall become effective as follows:

1. *Registration.*—Unless currently registered to conduct that activity with schedule III (or, in the case of fenfluramine, schedule IV) nonnarcotic substances, or unless exempted from registration by law, or pursuant to §§ 301.24–301.28 or 311.24–311.28 of title 21 of the Code of Federal Regulations, any person who manufactures, distributes, dispenses, imports, or exports benzphetamine, chlorphentermine, clortermine, fenfluramine, mazindol, and phendimetrazine, or who proposes to engage in the manufacture, distribution, dispensing, importation, or exportation of any of those substances, shall obtain a registration to conduct that activity on or before August 1, 1973.

2. *Security.*—Benzphetamine, chlorphentermine, clortermine, fenfluramine, mazindol, and phendimetrazine must be manufactured, distributed, and stored in accordance with §§ 301.71, 301.72(b), 301.73, 301.74, 301.75(b), and 301.76 of title 21 of the Code of Federal Regulations on or before September 1, 1973. In the event that this poses special hardships, the Bureau will entertain any justified requests for extensions of time.

3. *Labeling and packaging.*—All labels on commercial containers of, and all labeling of, clortermine, fenfluramine, and mazindol which are packaged after June 18, 1973, shall comply with the requirements of §§ 302.03–302.05 and 302.08 of title 21 of the Code of Federal Regulations. In accordance with § 302.06 (c) of title 21 of the Code of Federal Regulations, the Director finds that early compliance with these requirements is necessitated by the fact that if these drugs, which have never before been marketed in the United States, fail to bear the appropriate symbol, physicians, pharmacists, distributors, and other handlers may not be aware that these drugs are now controlled under the Controlled Substances Act, thereby endangering the public health and safety. As noted above, early control of these substances has been undertaken to prevent abuse before it begins; prompt and adequate notice of control is essential to carry out this purpose.

All labels on commercial containers of, and all labeling of benzphetamine, chlorphentermine, and phendimetrazine which are packaged after September 1, 1973, shall comply with the requirements of §§ 302.03–302.05 and 302.08 of title 21 of the Code of Federal Regulations. In cordance with § 302.06(c) of title 21 of the Code of Federal Regulations, the Director finds that early compliance with these requirements is necessitated, again, by the fact that early control of these substances has been undertaken to prevent abuse before it becomes widespread; prompt and adequate notice of control is essential to carry out this purpose and thereby protect the public health and safety. In addition, the Director believes it would be unfair and discriminatory to allow any greater period of time between the effective dates of labeling for the new anorectics and the effective dates for those anoretics already being marketed.

In the event these effective dates pose special hardships on any manufacturer, the Bureau will entertain any justified requests for an extension of time.

4. *Inventory*—Every registrant required to keep records who possesses any quantity of benzphetamine, chlorphentermine, clortermine, fenfluramine, mazindol, and phendimetrazine shall take an inventory of all stocks of those substances on hand on September 1, 1973.

5. *Record.*—All registrants required to keep records pursuant to part 304 of title 21 of the Code of Federal Regulations shall maintain such records on benzphetamine, chlorphentermine, clortermine, fenfluramine, mazindol, and phendimetrazine commencing on the date on which the inventory of those substances is taken.

6. *Prescriptions.*—All prescriptions for products containing benzphetamine, chlorphentermine, clortermine, fenfluramine, mazindol, and phendimetrazine shall comply with §§ 306.01–306.06 and 306.21–306.25 of title 21 of the Code of Federal Regulations no later than September 1, 1973. Any prescription for any of the foregoing products which was issued before March 1, 1973, or which has been refilled more than five times, may not be refilled after September 1, 1973.

7. *Importation and exportation.*—All importation and exportation of benzphetamine, chlorphentermine, clortermine, fenfluramine, mazindol, and phendimetrazine on and after September 1, 1973, shall be in compliance with part 312 of title 21 of the Code of Federal Regulations.

8. *Criminal liability.*—Any activity with benzphetamine, chlorphentermine, clortermine, fenfluramine, mazindol, and phendimetrazine, not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after June 15, 1973, shall be unlawful, except that any person who is not now registered to handle these substances but who is entitled to registration under those acts may continue to conduct normal business or professional practice with those substances between the date on which this order is published and the date on which he obtains the proper registration.

9. *Other.*—In all other respects, this order is effective on June 15, 1973.

Dated June 12, 1973.

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

[FR Doc.73-11935 Filed 6-14-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions

On October 28, 1972 (37 FR 23085), pursuant to section 110(c) of the Clean Air Act, the Administrator promulgated regulations for several State implementation plans to correct disapproved portions of plans submitted by the States. A regulation providing for the review of new sources and modifications was promulgated for the State of New Jersey (37 FR 23091). Section 110(a)(2) of the Clean Air Act and 40 CFR 51.18 require that State implementation plans contain legally enforceable procedures which shall enable the States to prevent construction of new sources and modification of existing sources if such construction or modification will result in a violation of applicable portions of the State's control strategy or will interfere with attainment or maintenance of a national ambient air quality standard. The State of New Jersey, on March 22, 1973, submitted amended chapters 9 (permits) and 13 (ambient quality standards) of the New Jersey Air Pollution

Code to EPA. On April 18, 1973, an opinion of the attorney general of the State of New Jersey was submitted which further clarified the State's new source review procedures. The State's revised procedures meet the requirements of section 110(a)(2) and 40 CFR 51.18.

Since the State of New Jersey's new source review procedures are now approvable, EPA's regulation promulgated as part of the New Jersey plan is no longer required. Accordingly, EPA's disapproval of the New Jersey procedures and the replacement regulation promulgated by EPA are revoked.

Dated June 12, 1973.

ROBERT W. FRI,
Acting Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations, is amended as follows:

Subpart FF—New Jersey

1. In § 52.1570, paragraph (c)(1) is revised and paragraph (c)(3) is added. As amended, § 52.1570 reads as follows:

§ 52.1570 **Identification of plan.**

* * * * *

(c) Supplemental information was submitted on:

(1) April 17, May 15, and July 6, 1972, and April 18, 1973, by the New Jersey Department of Environmental Protection, and

* * * * *

(3) March 22, 1973.

§ 52.1578 **[Revoked]**

2. Section 52.1578 is revoked.

[FR Doc.73-11936 Filed 6-14-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-1—GENERAL

Procurement Information for Publication in the Commerce Business Daily

This revision provides procedures for reporting procurement information to GSA Business Service Centers for ultimate publication in the "Commerce Business Daily, Synopses of U.S. Government Proposed Procurement, Sales and Contract Awards."

The table of contents for part 5A-1 is amended by the addition of the following new entries:

Sec.

5A-1.1003-1 Department of Commerce Synopses.
5A-1.1003-7 Preparation and transmittal.
5A-1.1004 Synopses of contract awards.
5A-1.1004-1 Preparation and transmittal.

Subpart 5A-1.10—Publicizing Procurement Actions

1. Sections 5A-1.1003-1, 5A-1.1003-7, 5A-1.1004, and 5A-1.1004-1 are added as follows:

§ 5A-1.1003-1 **Department of Commerce Synopses.**

FSS procuring activities shall not exercise the GSA-wide discretionary provisions of §§ 5-1.1003-1(b) and 5-1.1003-7(a) which permit message submissions directly to the Commerce Business Daily (CBD). Therefore, all synopses messages (single and/or consolidated) of proposed procurements shall be forwarded to the cognizant Business Service Center (BSC), regardless of its location. Furthermore, procuring activities shall insure that internal procedures for forwarding messages to the BSC provide for maximum compliance with § 1-1.1003-6, Time for publicizing.

§ 5A-1.1003-7 **Preparation and transmittal.**

(a) The requirement in § 5.1.1003-7 (a) for use of SF 14, Telegram (now "Telegraphic Message") is not applicable to FSS procuring activities. Instead, synopses messages shall be prepared on FSS informal letterhead stationery.

(b) Texts of synopses messages shall be prepared as prescribed in § 1-1.1003-7(b), except that the name and address of the contracting office (§ 1-1.1003-7(b)(3)) shall be construed to mean the cognizant BSC. The transmittal number required by § 1-1.1003-7(b)(2) is assigned by BSC. This entry shall be shown as "Transmittal number ——."

§ 5A-1.1004 **Synopses of contract awards.**

§ 5A-1.1004-1 **Preparation and transmittal.**

Except that texts shall be prepared as prescribed in § 1-1.1004-1, all other provisions of §§ 5A-1.1003-1 and 5A-1.1003-7 are equally applicable to contract award synopses messages.

2. Section 5A-1.1007 is revised to read as follows:

§ 5A-1.1007 **Responsibility for conformance with synopsizing program.**

Each Regional Commissioner, FSS, and the Director, National Buying Center Division, shall be responsible, within their respective areas of responsibility, for insuring full compliance with the provisions of subparts 1-1.10, 5-1.10, and this subpart 5A-1.10.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c).)

Effective date.—These regulations are effective on the date shown below.

Dated June 1, 1973.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.73-11991 Filed 6-14-73;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-60—PERSONAL PROPERTY MANAGEMENT

Subpart 114-60.7—Nonexpendable Property Records

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new subpart 114-60.7 is added to part 114-60, chapter 114, title 41, of the Code of Federal Regulations as set forth below.

As this regulation updates and codifies departmental policies governing the establishment and maintenance of nonexpendable property records and accounts, it is determined that the public rulemaking procedure is unnecessary and this new subpart shall become effective on June 15, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

JUNE 11, 1973.

Subpart 114-60.7—Nonexpendable Property Records

Sec.

114-60.700 General ledger accounts.
114-60.701 Accountability records.
114-60.702 Reconciliation.
114-60.703 Transfer of accountability.
114-60.704 Responsibility records.
114-60.705 Property clearance.

AUTHORITY.—5 U.S.C., sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 114-60.700 **General ledger control account.**

The value of capitalized property acquired and disposed of shall be recorded in a general ledger control account for equipment. Determination as to the items of nonexpendable property which are to be capitalized in accordance with subpart 114-60.5 of this part shall be made at the time the property is received and the cost thereof charged to the appropriate equipment account from the receiving report document.

§ 114-60.701 **Accountability records.**

(a) *Capitalized property.*—The general ledger control account for capitalized property shall be supported by detailed property accountability records to identify the items of property, the costs of which are charged to equipment accounts; provide a permanent record of the acquisition and disposition of all capitalized property, and provide information needed for inventory control and management purposes.

(1) Form DI-100 may be used for accountability record purposes. (See § 114-60.109.)

(2) Property accountability records shall be established from the receiving report immediately upon receipt of the property. These records shall be subject to both internal and external audit and all entries made therein must be supported by valid acquisition and disposal documents.

(b) *Capitalized property in custody of contractors or grantees.*—Accountability records shall be established and maintained for capitalized property released to the custody of a contractor or grantee in accordance with the terms of a contract or grant which terms provide that title to the property will remain vested in the United States. This property shall be subject to the same inventory, reconciliation, and management controls as any other capitalized property held by the Bureau or Office.

(c) *Noncapitalized property.*—Accountability records of the type referred to in paragraph (a) of this section are not required to be maintained for noncapitalized property. Rather the establishment of such records is discretionary with the head of each bureau or office.

§ 114–60.702 Reconciliation.

The total value of capitalized property recorded in the accountability records shall be compared with the related balances shown in the general ledger control account at least once a year. Any differences disclosed as a result of this comparison shall be reconciled and adjusted in accordance with sound accounting practices and as necessary to bring the accountability records and control account monetary balances into complete agreement.

§ 114–60.703 Transfer of accountability.

When an accountable officer is to be relieved of accountability, the incoming accountable officer shall be required to accept formally full accountability and responsibility for all Government-owned property involved in the transfer of accountability. This may be accomplished in either of two ways as follows:

(a) An itemized list of property of all classes may be compiled from the accountability records, showing as a minimum, the quantity and description of the items involved. Receipt of the property shall be acknowledged thereon by the incoming accountable officer, after such verification and inventory as the incoming officer may deem necessary to satisfy himself as to its correctness. Prior to transfer of the property, any overages which may be disclosed as the result of a physical inventory shall be taken up in the records and accounts of the outgoing accountable officer, and any shortages adjusted. Inventory of Property, Form DI–106, and Continuation Sheet, Form DI–106a (see subpart 114–60.1 of this part, appendixes VI and VII), may be used for the purpose of compiling the list of property referred to above, and for formally documenting transfer of accountability. This list and receipt shall be prepared in triplicate, the original to be retained by the officer relieved, the duplicate to be filed by the incoming officer and the triplicate forwarded to the head of the bureau or office concerned.

(b) If the incoming officer is satisfied that the property records are accurate and he is willing to assume liability for all the property recorded therein without physical verification, he may, as an alternate, execute a certificate in the following or similar form:

(Date)

I, (Name), incoming accountable officer, have satisfied myself that the expendable and nonexpendabel property accountability records of (Project or Office) are accurate; and that the property recorded therein is physically on hand as of this date.

I hereby agree to accept full responsibility and pecuniary liability for property as recorded and waive any requirement for a physical inventory as a condition to such acceptance.

(Signature)

(Title)

The original certificate shall be forwarded to the head of the bureau or office concerned, and each party to the transfer of accountability shall retain a copy.

§ 114–60.704 Responsibility records.

(a) *Capitalized property.*—To fix the responsibility for capitalized property, a receipt shall be obtained when such property is issued to individuals or transferred from the custody of one individual to another. Receipt for Property, Form DI–105 (see appendix V, subpart 114–60.1 of this part) may be used for this purpose. Such receipts shall be filed in a manner which will allow the total holdings of capitalized property in the possession of each employee to be determined readily. However, certain items, although in use, but not in the custody of any one employee may be controlled by means of location records in lieu of the receipt for property procedure described herein, at the discretion of the head of each bureau or office. Examples of items which can generally be controlled by use of location records are major shop and laboratory equipment, and similar items which are normally assigned for use by several different employees rather than for specific use of a single individual. When this procedure is used, responsibility for such property shall remain vested in the accountable officer. In any event, employees having Government-owned property in their custody, whether capitalized or not and, whether or not they have signed a receipt for same, may be adjudged financially liable for its loss or damage by proper board of survey action.

(b) *Noncapitalized property.*—Responsibility records of the type prescribed in paragraph (a) of this section, for capitalized property are not required to be maintained for noncapitalized property. Bureaus and offices shall, however, insure that appropriate safeguards and controls are established at the operating office level whenever experience at the location indicates that such action is necessary to guard against:

(1) Excessive losses of any specific item,

(2) Excessive purchases or withdrawals when compared to program requirements for any specific item, or

(3) Use of property for other than official purposes.

§ 114–60.705 Property clearance.

Upon separation or transfer of an employee, a physical inventory shall be taken of all property in his custody. If all property is satisfactorily accounted for, property clearance shall be given the employee. Certification for final salary payment shall be withheld until this clearance is obtained. Payroll units shall be notified when such clearance has been granted which shall be prior to issuance of the employee's final salary check.

[FR Doc.73–11920 Filed 6–14–73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1140]

PART 1033—CAR SERVICE

Chicago & North Western Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 6th day of June 1973.

It appearing, that the Chicago & North Western Transportation Co. (CNW) is unable to operate over its line between Ames, Nebr., and Fremont, Nebr., a distance of approximately 4.75 miles, because of track conditions; that CNW operations can be accomplished by use of tracks of the Union Pacific Railroad Co. (UP) between these points; that the UP has consented to the use of such tracks by the CNW; that the operation by the CNW over the aforementioned tracks of the UP is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1140 Service Order No. 1140.

(a) *Chicago & North Western Transportation Co., authorized to operate over tracks of Union Pacific Railroad Co.*—The Chicago & North Western Transportation Co. (CNW) be, and it is hereby, authorized to operate over tracks of the Union Pacific Railroad Co. (UP) between Ames, Nebr., and Fremont, Nebr., a distance of approximately 4.75 miles.

(b) *Application.*—The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.*—Inasmuch as this operation by the CNW over tracks of the UP is deemed to be due to carrier's disability, the rates applicable to traffic moved by the CNW over the tracks of the UP shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.*—This order shall become effective at 11:59 p.m., June 8, 1973.

(e) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., September 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short

Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-11974 Filed 6-14-73;8:45 am]

[S.O. 1141]

PART 1033—CAR SERVICE

Texas & Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 8th day of June 1973.

It appearing, that there is a critical shortage of gondola cars throughout the country; that numerous shippers are unable to secure the gondola cars required for transportation of their traffic; that certain shippers load substantial numbers of such gondola cars far in advance of date wanted as destination; that such cars are subsequently ordered held at destination or at various points en route to billed destination; that 13 such cars are being held by the Texas & Pacific Railroad Co. (T&P) at El Paso, Tex., since March 19, 1973; that the T&P has been unable to secure authority from the consignee to forward these cars to destination; and that these practices prevent the use of the affected cars for the transportation of products of other shippers. Therefore, it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1141 Service Order No. 1141.

(a) The Texas & Pacific Railroad Co. shall unload certain cars of boilers at El Paso, Tex.: The Texas & Pacific Railroad Co. (T&P), its agents or employees, shall unload the following carloads of boilers held at El Paso, Tex.:

GN78582	UP32160
ATW1022	UP32137
UP29792	DRGW55010
WP6656	WP6719
SN4521	UP31239
WP6700	WP6619
UP29507	

(b) The T&P, its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) herein not later than 11:59 p.m., June 25, 1973, except as otherwise authorized in paragraph (c).

(c) Instructions from shipper, consignee, or their authorized agents, received by the T&P prior to June 25, 1973, which authorize the immediate movement of any of these cars, which have not previously been unloaded by the T&P as required by paragraph (b) herein, to a final destination shall be deemed to be in compliance with the requirement of paragraph (b) herein.

(d) The T&P, its agents or employees, shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such notice shall specify when, where, and by whom such unloading was performed.

(e) *Application.*—The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(f) *Rules and regulations suspended.*—The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(g) *Effective date.*—This order shall become effective at 12:01 a.m., June 12, 1973.

(h) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., June 25, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-11975 Filed 6-14-73;8:45 am]

Title 7—Agriculture

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

[Lemon Regulation 590]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 17–June 23, 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.

§ 910.890 Lemon Regulation 590.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and order No. 910, as amended (7 CFR, pt. 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 is exceptionally good, as hot weather prevails in the East and Midwest and is predicted to continue through Wednesday. Order business and demand for 165's and smaller lemons is strong and there is some improvement in demand for larger lemons. Auction supplies are adequate and are projected as adequate for the next week. Average f.o.b. price was $4.94 per carton the week ended June 9, 1973, compared to $4.96 per carton the previous week. Track and rolling supplies at 214 cars were up 13 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must

become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 12, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 17, 1973, through June 23, 1973, is hereby fixed at 380,000 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 June 14, 1973.

CHARLES R. BRADDER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-12135 Filed 6-14-73;12:35 pm]

[Lime Regulations 10, 27, 34; Amendment 1]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Shipments

The amendments to Lime Regulations 10, 27, and 34 revise the effective dates of such regulations of the handling of fresh limes grown in Florida, so as to continue on and after June 18, 1973, the same quality and size, pack, and container requirements as are currently in effect through June 17, 1973.

On May 21, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 13385), regarding proposed amendments to such regulations to be made effective pursuant to the marketing agreement, as amended, and order No. 911, as amended (7 CFR pt. 911), regulating the handling of limes grown in Florida. The proposed amended regulations were recommended by the Florida Lime Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The aforesaid notice allowed interested persons until June 5, 1973, to submit written data, views, or arguments for consideration in connection with the proposed amended regulations. None were received.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the recommendation and information submitted by the Florida Lime Administrative Committee (established pursuant to the marketing agreement and order), and other available informtion, it is hereby found and determined that the amended regulations, as hereinafter set forth, are in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of these amended regulations until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which they are based became available and the time when they 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. Shipments of Florida limes are presently subject to regulation by grade and size, pack and container, pursuant to the amended marketing agreement and order; the amended regulations herein specified, except for the new effective dates, are identical with those currently in effect; the recommendation and supporting information for regulation were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 11, 1973; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting and thereafter with respect to the May 21, 1973, notice of proposed rulemaking; the provisions of these amended regulations are identical with the proposed regulations contained in said notice, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make these regulations effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of Florida limes, and compliance with the amended regulations will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

The amended regulations are based upon an appraisal of current and prospective crop and market conditions for Florida limes. Florida lime production for the 1973–74 season is estimated at 2 million bushels, 9 percent larger than the previous record. Fresh shipments for the 1973–74 season, began on April 1, 1973, and shipments in volume are now being made. Total fresh shipments are expected to require about 850,000 bushels of such production. Ample supplies of desirable sizes and grades of limes are available to fill fresh market demands. The reestablishment of the regulations is designed to prevent the handling of lower grade and smaller limes which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

1. The provisions of paragraph (a)(2) in § 911.312 (Lime Regulation 10; 38 FR 12322), are hereby amended to read as follows:

§ 911.312 Lime Regulation 10.

(a) * * *

(2) On and after June 18, 1973, no handler shall handle between the production area and any point outside thereof, any container of limes, of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss and similar varieties), grown in the production area, unless such limes in such container meet the requirements of standard pack and one of the pack specifications established in paragraph (a)(1) of this section, and each container in each lot is marked or stamped on one outside end in letters at least ¼ inch in height to show the U.S. grade applicable to such lot and either the average juice content of the limes in such lot or the phrase "average juice content 42 percent or more": *Provided*, That, in lieu of such marking requirement, any handler may affix to the container a label, brand, or trademark, registered with the Florida Lime Administrative Committee in accordance with the following, which appropriately identifies the grade and the juice content of such limes:

* * * * *

2. The provisions of paragraph (a)(2) in § 911.329 (Lime Regulation 27; 38 FR 12323), are hereby amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) On and after June 18, 1973, no handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in individual bags having a capacity of more than 4 pounds net weight of limes.

* * * * *

3. The provisions of paragraph (a) of § 911.336 (Lime Regulation 34; 38 FR 12324), are hereby amended to read as follows:

§ 911.336 Lime Regulation 34.

Order.—(a) During the period June 18, 1973, through April 30, 1974, no handler shall handle:

* * * * *

Dated June 11, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-11934 Filed 6-14-73;8:45 am]

[Nectarine Regulation 2, Amendment 2]

PART 916—NECTARINES GROWN IN CALIFORNIA

Container and Pack Regulation

This amendment, issued pursuant to the marketing agreement and order No. 916 (7 CFR, pt. 916) continues the requirement that all containers of loose-fill or loose-pack California nectarines contain at least 26 pounds of nectarines. This requirement is designed to discourage shipment of short-weight and slack-filled containers of such fruit in the interest of orderly marketing. Short-weight and slack-filled containers exert an adverse effect on market acceptance of loose-fill and loose-pack containers of nectarines and increase marketing costs.

Notice was published in the FEDERAL REGISTER issue of May 25, 1973 (38 FR 13752) that the Department was giving consideration to a proposal to further amend in the manner hereinafter set forth § 916.341 (Nectarine Regulation 2, as amended; 38 FR 13011) pursuant to the applicable provisions of the marketing agreement, as amended, and order No. 916, as amended (7 CFR pt. 916) regulating the handling of nectarines grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Nectarine Administrative Committee, established purusant to said amended marketing agreement and order. No written data, views, or arguments were filed with respect to said proposal during the period specified in the notice.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Nectarine Administrative Committee, established under the said amended marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such nectarines, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Shipments of nectarines are currently in progress and this amendment should be applicable to all such nectarine shipments occurring during the effective period specified herein in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice; and (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order.—Section 916.341(a) is amended by adding a new subparagraph (4) reading as follows:

§ 916.341 Nectarine Regulation 2.

(a) * * *

(4) Each container or package of loose-fill or loose-pack nectarines (not packed in rows) shall contain a net weight of not less than 26 pounds of nectarines.

* * * * *

Dated June 12, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-11986 Filed 6-14-73;8:45 am]

[Nectarine Regulation 4, Amendment 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Grades and Sizes

This amended regulation, issued pursuant to the marketing agreement and order No. 916 (7 CFR, pt. 916) requires all California nectarines shipped during the period May 17, 1973 to May 31, 1974 to grade at least U.S. No. 1 grade, with additional tolerances for fruit affected by smooth scars; fruit not badly misshapen; and fruit of two varieties affected by fairly smooth russeting. The regulation also specifies minimum sizes by variety. The regulation is the same as that currently in effect in § 916.346 (38 FR 12811). The present regulation ends June 16, 1973. The action is necessary to assure that the nectarines shipped will be of suitable quality and size in the interest of consumers and producers. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the FEDERAL REGISTER issue of May 25, 1973 (38 FR 13752) that the Department was giving consideration to a proposal to amend § 916.346 (Nectarine Regulation 4; 38 FR 12811) pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 916, as amended (7 CFR, pt. 916) regulating the handling of nectarines grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Nectarine Administrative Committee, established pursuant to said amended marketing agreement and order. No written data, views, or arguments were filed with respect to said proposal during the period specified in the notice.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Nectarine Administrative Committee, established under the said amended marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such nectarines, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of nectarines are currently in progress and this amendment should be applicable to all such nectarine shipments occurring during the effective period specified herein in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice; and (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order.—Section 916.346(a) (Nectarine Regulation 4; 38 FR 12811) is amended by revising subparagraphs (2), (3), (4), (5), (6), and (7) to read as follows:

§ 916.346 Nectarine Regulation 4.

(a) *Order.*—(1) * * *

(2) During the period May 17, 1973, through May 31, 1974, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided,* That nectarines 2 inches in diameter or smaller, or 4 by 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle three-eighth inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 by 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle one-half inch in diameter: *Provided further,* That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen: *Provided further,* That 25 percent of the surface of each fruit of the Sun Free and Golden Grand varieties may be affected by fairly smooth or smooth russeting.

(3) During the period May 17, 1973, through May 31, 1974, no handler may handle any package or container of May Red variety nectarines unless:

* * * * *

(4) During the period May 17, 1973, through May 31, 1974, no handler shall handle any package or container of Arm King, Crimson Gold, Grand River, Mayfair, or Zee Gold variety nectarines unless:

* * * * *

(5) During the period May 17, 1973, through May 31, 1974, no handler shall handle any package or container of June Belle, June Grand, May Grand, Red June, Sunbright, Sun King, or Sunrise variety nectarines unless:

* * * * *

(6) During the period May 17, 1973, through May 31, 1974, no handler shall

handle any package or container of Early Sun Grand, Grandandy, Independence, Moon Grand, Star Grand I, Star Grand II, Sun Flame, Sun Grand, or Rose variety nectarines, unless:

* * * * *

(7) During the period of May 17, 1973, through May 31, 1974, no handler shall handle any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flame Kist, Flavor Top, Gold King, Granderli, Grand Prize, Harry Grand, Hi-Red, Late Le Grand, Le Grand, Red Grand, Regal Grand, Richard's Grand, Royal Grand, September Grand, or Sun Free variety nectarines, unless:

* * * * *

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

Dated June 12, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-11988 Filed 6-14-73;8:45 am]

[Plum Regulation 9, Amendment 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Grades and Sizes

This amended regulation, issued pursuant to the Marketing Agreement and Order 917 (7 CFR, pt. 917) requires all California plums shipped during the period May 19, 1973, through May 31, 1974, to grade at least U.S. No. 1 grade, except for an additional 10 percent tolerance for defects not considered serious damage for two specified varieties and an unlimited tolerance for plums of 14 varieties affected by healed stem end cracks which do not cause serious damage. It also establishes minimum sizes for specified varieties in terms of the number of plums contained in an 8 pound sample. The regulation is the same as that currently in effect in § 917.431 (Plum Regulation 9; 38 FR 12899). The action is necessary to assure that the plums shipped will be of suitable quality and size in the interest of consumers and producers.

Notice was published in the FEDERAL REGISTER issue of May 23, 1973 (38 FR 14110), that the Department was giving consideration to a proposal to amend § 917.431 (Plum Regulation 9; 37 FR 12899) pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 917, as amended (7 CFR, pt. 918) regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Plum Commodity Committee, established pursuant to said amended marketing agreement and order. No written data, views, or arguments were filed with respect to said proposal during the period specified in the notice.

It is concluded that the amendment as specified in the notice is appropriate for the supply and market situation expected to prevail during the 1973 plum shipping season and, consistent with the objectives of the act, will tend to assure consumers of an adequate supply of acceptable quality plums, and maintain grower returns at a level consistent with the public interest.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Plum Commodity Committee, established under the said amended marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of plums are currently in progress and this amendment should be applicable to all such plum shipments occuring during the effective period specified herein in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice to which no exceptions were filed; (3) the regulatory provisions are the same as those currently in effect; and (4) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order.—In § 917.431 paragraph (b), paragraph (c) preceding subparagraph (1), and paragraph (d) preceding table I, are hereby amended to read as follows:

§ 917.431 Plum Regulation 8.

* * * * *

(b) During the period May 19, 1973, through May 31, 1974, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (c) hereof, unless such plums grade at least U.S. No. 1.

(c) During the period May 19, 1973, through May 31, 1974, no handler shall ship:

* * * * *

(d) During the period May 19, 1973, through May 31, 1974, no handler shall ship any package or other container of any variety of plums listed in column A of the following table I unless such plums are of a size that an 8-lb sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in column B of said table.

* * * * *

Dated June 11, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-11933 Filed 6-14-73;8:45 am]

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

[Milk Orders Nos. 32 and 50]

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Order Terminating Certain Provisions

It is hereby determined that termination of the following provisions of the orders regulating the handling of milk in the Southern Illinois and Central Illinois marketing areas is favored by a majority of the producers engaged in the production of milk for sale in said marketing areas in the representative period, determined to be April 1973, and that such producers produced more than 50 percent of the milk produced for sale in each of said marketing areas in such representative period:

Southern Illinois order:

1. In § 1032.60, "and 1032.110 through 1032.122."
2. In § 1032.62(b)(5), "plus 5 cents."
3. In § 1032.71, paragraph (c–1) in its entirety.
4. In § 1032.84(b)(2), "plus 5 cents."
5. The centerhead "Advertising and Promotion Program" immediately preceding § 1032.110.
6. Sections 1032.110 through 1032.122 in their entirety.

Central Illinois order:

1. In § 1050.60, "and 1050.110 through 1050.122."
2. In § 1050.62(b)(5), "plus 5 cents."
3. In § 1050.71, paragraph (c–1) in its entirety.
4. In § 1050.84(b)(2), "plus 5 cents."
5. The centerhead "Advertising and Promotion Program" immediately preceding § 1050.110.
6. Sections 1050.110 through 1050.122 in their entirety.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), it is hereby ordered that all the aforesaid provisions except "Duties of the market administrator" (§§ 1032.121 and 1050.121) and "Liquidation" (§§ 1032.122 and 1050.122) are terminated effective midnight, June 30, 1973, and that §§ 1032.121, 1050.121, 1032.122, and 1050.122 are terminated effective midnight, September 30, 1973.

It is hereby found and determined that the notice of proposed rulemaking, public procedure thereon, and 30 days' notice of the effective date hereof are impractical and unnecessary. Section 608c(16)(B) of the act requires that if a majority of the producers engaged in the production of milk for sale in the marketing area in a representative period determined by the Secretary favored termination of order provisions issued under section 608c(5)(I) (as are the aforesaid provisions) of the act, and such producers produced more than 50 percent of the milk produced for sale in the marketing area in the representative period,

such order provisions shall be terminated at the end of the current marketing period. The current marketing period is June 1973.

It is therefore ordered, That the aforesaid provisions of the orders are hereby terminated.

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

Effective dates.—(1) Midnight, June 30, 1973, for all the provisions except §§ 1032.121, 1032.122, 1050.121, and 1050.122. (2) Midnight, September 30, 1973, for §§ 1032.121, 1032.122, 1050.121, and 1050.122.

Signed at Washington, D.C., on June 11, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73–11932 Filed 6–14–73;8:45 am]

[Milk Order No. 121]

PART 1121—MILK IN THE SOUTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

This order suspending certain provisions is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the South Texas marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 13754), concerning a proposed suspension of certain provisions of the order. Interested persons were afforded the opportunity to file written data, views, and arguments thereon. None was filed in opposition to the proposed suspension.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of June through December 1973, the following provisions of the order do not tend to effectuate the declared policy of the act:

In § 1121.16, which defines "fluid milk products," the language "cultured sour cream and sour cream products."

Statement of consideration.—This action will result in milk utilized for sour cream and sour cream products being classified as Class II milk rather than Class I milk.

The suspension was requested by a proprietary handler regulated under the South Texas order but whose distributing plant is located in the center of the North Texas order marketing area. Although the handler has a majority of his Class I sales in the South Texas market, most of the remainder of his sales, including sour cream, is in the North Texas market. The North Texas order classifies milk in sour cream and sour cream products in the lower-priced class (Class II). In view of this particular competitive situation, the temporary suspension of sour cream and sour cream products from the fluid milk product definition is appropriate pending a hearing to review the appropriate coordination of the South Texas classification provisions with such provisions of other orders.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension (38 FR 13754). No views were received in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective on June 15, 1973.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of June through December 1973.

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

Effective date June 15, 1973.

Signed at Washington, D.C., on June 12, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73–11984 Filed 6–14–73;8:45 am]

Title 29—Labor

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Emergency Temporary Standard for Exposure to Organophosphorous Pesticides; Suspension of Effective Date

On May 1, 1973, an emergency temporary standard was promulgated (38 FR 10715–17) pursuant to section 6(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655) and Secretary of Labor's Order No. 12–71 (36 FR 8754). The standard prescribed safeguards to be taken regarding the exposure of fieldworkers to certain organophosphorous pesticides. The effective date of June 18, 1973, was prescribed for the emergency temporary standard in order to afford affected persons a reasonable and necessary period to learn of the standard and to adjust to its terms.

The Florida Peach Growers Association, Inc., and numerous other associations have subsequently filed petitions for reconsideration and revocation of the standard. The petitions have been carefully reviewed. Some modifications and clarifications of the provisions of the published standard seem to be necessary. Consequently, it has been determined to adopt a new emergency temporary standard having the effect of amending the standard published on May 1, 1973. A statement of the reasons for the new standard and the new standard itself will be published in the FEDERAL REGISTER about June 25, 1973.

In light of these circumstances, the application of the standard that was published in the FEDERAL REGISTER on May 1, 1973, is hereby suspended pending the issuance of the new standard.

Signed at Washington, D.C., this 14th day of June 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73–12114 Filed 6–14–73;10:40 am]

Proposed Rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR, Part 922]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Proposed Limitation of Handling

This notice proposes to authorize the use of closed LA lugs and equivalent cartons in the shipment of Washington apricots if they are row-faced or tray-packed. Also, it would permit shipment of the currently authorized closed container (with inside dimensions 3¾–4¼ by 10½ by 15 in) if tray packed or row faced. Currently this container may be used only in the shipment of row-faced apricots.

Notice is hereby given that the Department is considering the following proposal of the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and order No. 922, as amended (7 CFR, pt. 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

LA lugs and cartons are well known, commonly used lidded fruit containers in the Northwest. Tray packing is a common practice which allows for a definite packing pattern and container count, making it desirable to the fruit trade. Authorization is needed to permit the use of these by the Washington apricot industry, so its packing and container practices can be in line with overall fruit industry practices.

§ 922.306 Apricot Regulation 6.

(a) * * *

(3) In closed containers with inside dimensions of 3¾—4¼ by 10½ by 15 inches and containing not less than 14 pounds, net weight of apricots, or in closed LA lugs (inside dimensions of 5¾ by 13½ by 16⅛ in.) or their carton equivalents: *Provided*, That apricots packed in such containers shall be row faced or tray packed; or

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, room 112–A, Administration Building, Washington, D.C. 20250, not later than June 22, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated June 12, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-11989 Filed 6-14-73;8:45 am]

[7 CFR, Part 1030]

[Docket No. AO-361-A8]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the hearing clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Chicago Regional marketing area.

Interested parties may file written exceptions to this decision with the hearing clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27 (b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued 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, pt. 900).

Preliminary statement.—The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Madison, Wis., on April 11–12, 1973, pursuant to notice thereof which was issued March 29, 1973 (38 FR 8518).

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

1. Pool plant performance requirements for supply plants.

2. Dairy farmer for other markets.

3. Receipt of producer milk at a reload facility.

4. Limits on diversion of producer milk.

5. Location adjustments to producers.

6. Emergency action.

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

1. *Pool plant performance requirements for supply plants.*—The provisions of the order pertaining to supply plant performance requirements should be modified as follows:

(i) The minimum amount of Grade A milk receipts from dairy farmers that a supply plant must ship to pool distributing plants to qualify as a pool plant should be not less than 40 percent during the months of September, October, and November and 30 percent in all other months. However, any plant that is a pool plant during each of the months of August through December, need ship only 20 percent during each of the following months of January, February, and March and such plant shall retain its pool plant status for each of the following months of April through July irrespective of whether any shipments are made during such months.

(ii) Each supply plant in a unit must ship at least 20 percent of its Grade A receipts to distributing plants during each of the months of September, October, and November, 15 percent of such receipts during each of the months of August and December, and 10 percent of such receipts during each of the months of January, February, and March. If for any month a plant does not meet the individual shipping percentage, that plant shall be excluded from the unit and shall not be pooled. The unit as a whole must meet the shipping requirements established for individual plants not in a unit.

(iii) For the purpose of measuring a supply plant's shipping performance, milk or skim milk that is transferred during the month from a distributing plant to a pool supply plant or to a nonpool plant as Class II milk (except transfers of receipts of producer milk from the distributing plant on Saturdays and holidays), shall be deducted from the qualifying shipments to such distributing plant.

A supply plant presently qualifies for pooling by shipping 35 percent of its Grade A receipts to pool distributing plants during September, October, and November, 25 percent in August, and 30 percent in all other months. A supply plant that demonstrates its association with the market during the period of

seasonally low production by qualifying during each of the months of August through December, may retain pool plant status during the following 7 months of January through July regardless of shipments.

Individual plants in a unit under the current order are not required to ship any specific volume of milk as long as the unit as a whole meets the shipping requirements established for individual plants not in a unit.

The current order also provides that only that volume of milk transferred from a distributing plant back to a pool supply plant or nonpool plant on the same day of receipt from a supply plant will be "netted out" in determining such supply plant's shipping performance.

The recommended changes set forth above were proposed by a group of operating cooperatives serving the Federal order 30 market. Witnesses for these associations testified that they were experiencing difficulty in obtaining needed milk supplies from supply plants for fluid use in the Chicago metropolitan segment of the market. Sufficient quantities of milk are being produced in the milkshed, but such milk is not all being made available for fluid uses. Witnesses contended that production decreases last fall and the increased demand for milk going into cheese has made the operators of supply plants reluctant to give up milk for fluid use, since they find it more profitable to put milk into cheese at the Class II price, and draw from the pool the difference between the blend and the Class II price, than to ship milk for fluid uses.

Proponents stated that this has been a problem for many months but has become particularly acute beginning with the month of January when supply plants that had been pool plants since the prior August are not required by the order to ship any milk for pooling purposes through the month of July.

While other plants and units have shipped very little milk or none at all, their plants have shipped 100 percent of their supplies on certain days of each week for several months. Many orders for milk by distributing plant operators have not been adequately or timely fulfilled because of proponents' inability to obtain needed additional supplies of milk from other supply plants.

Proponents contended that in order to correct the problem and make the milk available for fluid uses not only should the shipping percentages be increased and the performance period required for gaining automatic pool plant status be extended through January, February, and March, but also each plant participating in a unit should be required to ship some milk to the market if it is to be identified with the market and share in the marketwide proceeds.

(a) If a supply plant shares in the market's Class I proceeds, it should be required to perform to the needs of the market. If it does not ship milk when it is needed, it is not fulfilling a true supply plant function even though it may be meeting the minimum requirements specified in the order. In such case the performance requirements of the order should be set so as to induce delivery of sufficient milk to meet the needs of the market. It is reasonable that the burden of supplying the fluid market be borne equitably by all supply plants that are entitled to share in the proceeds resulting from Class I sales.

Few markets rely on shipments from supply plants to the extent that distributing plants in the Chicago metropolitan area do. While distributing plants in the Wisconsin segment of this marketing area receive only about 35–40 percent of their milk from supply plants, distributors in the densely populated Chicago metropolitan segment of the marketing area depend on supply plants for 70–80 percent of their fluid milk requirements. During the months of August through December 1972, distributing plants in the Chicago metropolitan area received about 739 million pounds of milk from supply plants, while all other distributing plants in the market received only about 292 million pounds through supply plants.

Consequently, the primary purpose of a supply plant in this market is to stand ready to ship qualified milk to handlers in the Chicago metropolitan segment of the marketing area when needed. If it cannot or does not wish to supply such milk, then it should not share in the Class I proceeds of this market. To share in the returns of this market without making milk available to handlers for fluid use when needed dissipates the returns from the Class I sales in the market to the point that the resultant price to producers is not competitive with alternative market outlet prices, thus inhibiting the function of the Class I price to attract an adequate supply of milk for fluid use.

Supply plant shipping requirements are necessary to insure that sufficient volumes of supply plant milk will be made available to handlers for fluid (Class I) use and serve as a means of identifying those plants (producers) that are actually serving the market. If these percentage requirements are set too high, some plants (and producers) that have been regular suppliers of the market will not be able to meet the requirements and thus not be pooled. Dairy farmers delivering milk to such plants would not be assured of a share in the proceeds of the market on the same basis as producers delivering milk to pool plants. Consequently, such milk supplies might not be available in the next low production season when such supplies may be needed.

If the percentage requirements are too low, as in the present case, milk can be easily attached to the pool and share in the proceeds of such, but insufficient, quantities of milk will be made available for fluid use since very little will be required to be shipped for pooling purposes. This is particularly true when the alternative market, cheese, is demanding more milk as it is at the present time.

Shipping percentages must be changed as conditions in the marketing area change. On the basis of a May 31, 1972 hearing record the supply plant shipping percentages applicable during August through November were decreased 5 percentage points to maintain pool status for the increasing volume of receipts at pool supply plants at that time that was expected to prevail also for the ensuing fall and winter months. However, as a result of bad weather and crop conditions, the production level declined in the fall of 1972 and the actual percentage of supply plant milk shipped by proponents to handlers for fluid use each month was from 4 to 10 percentage points higher than projected. For the months of August 1972 through March 1973, proponent cooperative supply plants shipped the following respective percentages of their receipts to distributing plants: 35.7, 43.1, 47, 51, 44.5, 44.7, 41.3, and 36.8. With the new lower shipping requirements, however, other plants needed to ship only the minimum and many supply plants actually put most of their milk (100 percent in January, February, and March) through their manufacturing facilities while still sharing in the returns of the marketwide pool.

In conjunction with the above is the added factor of a definite decrease in shipments of milk direct from farms to distributing plants in the Chicago metropolitan area. From August 1972 through February 1973, direct shipments from farms to plants located within 70 miles of Chicago decreased in amounts ranging from 10 to 17 million pounds per month as compared to the same months a year earlier. With a fairly steady demand, Chicago metropolitan area distributing plants had to draw more of their supplies from supply plants.

For the market as a whole the proportion of pool supply plant milk shipped to pool distributing plants during the months of August through December 1972, averaged as follows: August, 37.7 percent; September, 43.4 percent; October, 45.7 percent; November, 47.9 percent; and December, 42.2 percent. While the shipping percentages adopted herein are somewhat less than those that prevailed for the corresponding months of last year, these percentages along with the additional shipping requirements placed on individual plants in units as discussed below should bring forth an adequate supply of milk for fluid uses.

In addition to increasing the supply plant shipping percentages during the months of shortest production, the performance period for obtaining automatic pool plant status should be extended from the current August to December period to include January, February, and March. Distributing plants in the Chicago metropolitan segment of the market continue to rely heavily on shipments from supply plants during these months. Shipments from supply plants during January, February, and March of this year to distributing plants serving Chicago decreased less than 5 percent from the immediately preceding October, November, and December. In contrast, such shipments to all other distributing

plants under the order decreased 59 percent during the same period.

The proportion of pool supply plant receipts shipped to all distributing plants during January, February, and March 1972, and January and February of this year averaged almost 33 percent. In this circumstance, a shipping requirement of as much as 30 percent would provide little flexibility in the level of shipping percentages as among supply plants, since all such plants would have to ship at about such minimum level in order for all of them to be able to pool.

During the months of January through March average daily production of milk increases seasonally from the lowest level in November to the peak level in May or June. In such circumstance, those supply plants serving Chicago metropolitan area distributing plants will likely begin to have more milk receipts than are needed to serve the fluid milk requirements of such distributing pants. Some such supply plants are located closer to Chicago than others. Thus, it would be possible to realize some savings in milk transfer costs if the needed milk shipments were obtained first from the closer-in supply plants. To accommodate this, the minimum supply plant shipping requirements would need to be somewhat below 30 percent, yet the unit pooling provision tends to accommodate this situation for those handlers operating two or more supply plants. Not all supply plants in the distant zones are included in units. Accordingly, it is appropriate to set the minimum shipping requirement significantly below the 33-percent average level of shipments from all supply plants during these months in the past 2 years.

It is concluded that a shipping requirement of 20 percent, as proposed, in each of the months of January, February, and March should be a reasonable standard since it would tend to allow for some flexibility in the shipping percentage among supply plants, yet still insure that milk is being made available to distributing plants serving the city of Chicago.

(b) Two or more supply plants can form a unit under order 30 and, as such, no specific shipping requirements need apply to any individual plant within the unit. The only shipping requirement is that the unit as a whole meet the percentages prescribed in the order for individual plants not in a unit. This provision was adopted in the order basically to accommodate efficiency in the assembly and processing of milk supplies associated with the market.

It is now clear that this provision allows excessive volumes of milk that are never intended for shipment to the fluid market to attach to the pool and share in pool proceeds. For example, in October 1972, one of the low production months, 37 plants having over 48 million pounds of milk shipped only 500,000 pounds to distributing plants not serving the city of Chicago, and made no shipments to plants serving Chicago. With respect to supply plants serving distributing plants with distribution in the city of Chicago, seven other supply plants shipped only 6.5 million of the 48 million pounds at these plants in October 1972. This is only token performance and is not fulfilling the role of supplying milk when the milk is needed. While many of these plants were qualifying in a unit by shipping as little as 1 percent, or even none, of their receipts, other plants were taking up the slack by shipping 40–70 percent of their receipts.

If plants in a unit are to be considered as serving the needs of the fluid market and thereby eligible to associate milk with the pool, they should be required individually to meet some minimum performance standard. Once again, setting such standard too low would serve no useful purpose and would continue, to an extent, the free-ride aspect of the current provisions. Yet, too high a shipping percentage would tend to require all plants in a unit to perform at the same level and would completely negate the purpose of the unit pooling provisions.

Consequently, it is reasonable to require each plant in a unit to ship each month at least half of the amount required of plants not in a unit provided the unit as a whole meets the minimum shipping requirements established for individual plants outside units.

There is a provision currently in the order, sometimes referred to as the "call" provision, under which the Director of the Dairy Division may increase or decrease the August through December supply plant shipping percentage figures up to 10 percent. A conforming change should be made to this provision to include the January through March period.

The provisions relating to unit pooling should be further amended to provide that a plant must be a pool plant before it may be included in a unit. Under the current provision a handler or cooperative establishing a unit must notify the market administrator prior to August 1 each year of the plants to be included in the unit. In practice some plants have been included in units even though they were not put in operation until some later date during the month of August. In such circumstance, the plant did not perform a supply plant function for the complete August through December qualifying period. Moreover, such practice creates an administrative problem for the market administrator in checking on whether the plant actually is functioning as such in the month of August.

Certain cooperatives proposed that a plant be required to be a pool plant before it is included in a unit. Such proposal should be adopted to assure that a newly added plant performs for the entire August–March period. If it so performs, it will be accorded automatic pool plant status for the following months of April–July.

A proposal to permit two or more proprietary handlers to form a unit on the basis of a written contractual agreement between them should not be adopted.

Under the current order provisions plants operated by proprietary handlers may be formed into a unit only if such plants are owned or fully leased by the operator establishing the unit. Cooperative associations, however, have the additional option of forming a unit on the basis of a written contractual agreement obligating each plant of the unit to ship milk as directed by the agreement.

An association of cheesemakers proposed that two or more proprietary handlers be permitted to form a unit on the basis of a contractual agreement in order that they may pool supply plants on the same basis as cooperatives.

The establishment of a supply plant unit system by contractual arrangement was purposely limited to cooperatives when the unit pooling system was promulgated. Cooperative associations as a group have incentive to make their milk supplies available for Class I use since it is this market outlet that enhances the blend price to be paid to producers. On the other hand, proprietary operators have their primary interest in using milk in those products that return them the greatest net margin irrespective of the class of use.

Currently, certain Class II uses obviously provide a greater net margin than Class I use since many supply plant operators are reluctant to make milk available for Class I use. Because of this it is found necessary to tighten up the unit pooling option in an effort to assure that sufficient milk supplies will be made available for fluid use. Proponents offered no testimony to indicate that the proposal was designed to, or would, facilitate their making more milk available for fluid use. In these circumstances it is concluded that the proposal would not contribute to orderly marketing and therefore is denied.

(c) For the purpose of measuring actual shipping performance by a supply plant, only "net" receipts at a distributing plant from a supply plant (i.e., receipts less any Class II transfers from the distribution plant) should be counted.

Exception should be made, however, for a distributing plant that has direct receipts of producer milk to transfer such producer milk as necessary to manufacturing outlets on Saturdays and holidays, without such transfers being subtracted from shipments by supply plants during other days of the month.

On evidence that some supply plants were shipping only for the purpose of pool plant qualification and in so doing were "back-hauling" milk for Class II disposition, the order was amended in 1971 to "net out" receipts at a distributing plant from supply plants any shipments back from the distributing plant to supply plants (or to nonpool plants) on the same day. The purpose of the amendment was to discourage such back-hauling practices.

In practice the amendment is being circumvented, however. Milk may be brought into a distributing plant shortly before midnight on one day and be shipped back to the supply plant or to a nonpool plant for Class II use shortly after midnight. While the provisions of

the order may not be violated by such practice, the intent of the provisions is circumvented.

Milk moved in this manner obviously is not intended to be used by the operator of the distributing plant to meet his Class I needs. Milk is so moved only for the purpose of qualifying the supply plant as a pool plant. The operator of such supply (manufacturing) plant thus is enabled to obtain supplies of milk for strictly manufacturing purposes at the Class II price and draw the blend price from the pool for payment to producers. The blend price to all producers is thereby lowered by the presence of milk in the pool that is, in effect, predestined for manufacturing use.

The order should be amended as set forth herein to provide that basically all milk shipped to a distributing plant must remain there to count towards pool qualification of the shipping supply plant. To accommodate handlers who must transfer direct receipts of producer milk to manufacturing outlets on Saturdays and holidays, however, it was proposed that this provision should not be effective on any Saturday or on Labor Day, Thanksgiving Day, Christmas, and New Year's Day during the 8-month performance period adopted herein. This will facilitate disposition of the inevitable weekend excesses over fluid requirements due to daily bottling schedules.

Regular supply plants do not have any need or incentive to backhaul milk during the automatic qualifying months April-July. The "net receipts" provision, however, should remain in effect in the event new supply plants qualify during the months of April through July. In this event during April through July transfers from the distributing plant of receipts of milk directly from producers on any Saturday or on Memorial Day and the Fourth of July should not be offset against receipts from supply plants during the month.

Some distributing plants follow a practice of clearing all bulk milk supplies out of their plants on Saturdays and holidays. In addition to the receipt of producer milk on those days, such plants may have some bulk milk supplies on hand at the end of the previous day that are transferred to manufacturing plants on a Saturday or holiday. It is intended that transfers to be excepted from the computation of "net receipts" at a distributing plant shall not exceed the volume of milk received directly from producers on such Saturday or holiday plus supplies left in the plant on the preceding day.

It would not be appropriate in determining net shipments simply to except the volume of producer receipts at the distributing plant on Saturdays and holidays. Otherwise a distributing plant that processes milk on such days could increase its direct receipts of producer milk on such days only for the purpose of enabling it to pool an equivalent quantity of supply plant milk that would be brought into the plant and backhauled to a manufacturing plant. Accordingly, this exception should not apply on Saturdays or holidays when the distributing plant is also receiving milk on the same day from a supply plant.

Also, if a distributing plant were to divert its producer milk on a Saturday or holiday, the volume of milk diverted from the plant on such day similarly would not be counted for offset purposes.

In light of the above considerations, it is concluded that the transfers of direct receipts of producer milk to be excluded from the computation of "net receipts" should not exceed an amount during the month computed as follows: Multiply the average daily receipts of producer milk at the plant during the previous month by the number of Saturdays and holidays in the current month; add 20 percent of such amount (to accommodate (1) transfers of any milk remaining in the plant at the end of the previous day, and (2) variations in the level of producer receipts at the plant); and subtract the quantity of producer milk diverted from the plant on such Saturdays and holidays. The average daily producer receipts during the previous month is employed in the computation in order that a distributing plant operator may know the amount of his excepted transfers at the time he transfers milk for manufacturing use. If a plant did not have receipts of producer milk during the previous month, average daily receipts during the current month should be used in lieu of the previous month.

Witnesses in opposition to the above proposals contended that sufficient supply-plant milk would be provided if the operators of distributing plants in Chicago were willing to pay supply-plant operators a higher handling fee for the milk. They claimed that supply plants should not be expected to give up milk for fluid use, with the plant realizing a lower return than if the milk were manufactured into cheese. In effect, such witnesses were contending that if fluid handlers want the milk they should pay more for it to attract it away from the cheese plants.

No doubt more milk would be forthcoming from supply plants if fluid handlers were to pay supply-plant operators a handling fee in an amount that exceeds the return they realize from processing milk into cheese. The order Class I price, however, is substantially above the prices being paid for milk being put to cheese at unregulated plants in the milkshed. By drawing moneys from the pool, and sharing in the class I proceeds of the market, such milk enjoys the same return as that milk actually serving the fluid market.

The primary purpose of the Federal order is to insure an adequate and orderly supply of milk to the fluid market. The overall Class I utilization in this market has been about 42–43 percent in the past 2 years. This means that some 57–58 percent of the pooled milk supplies have been surplus to the needs of the fluid market in total. The problem at present is not an inadequate supply of milk for the market as a whole but the unavailability of sufficient supplies to meet the needs of that segment of the market, the Chicago metropolitan area, which must depend so greatly on supply-plant milk to meet its needs. It is not unreasonable, therefore, to fix shipping performance standards in a manner to induce the needed shipments from supply plants.

2. *Dairy farmer for other markets.*—The order should be amended to provide that a dairy farmer who was a producer during any "payback" month under another Federal order having provisions for a seasonal incentive "takeout-payback" (Louisville) plan shall not be a producer under this order during the following months of January through July.

Currently, any dairy farmer producing Grade A milk may be a producer under this order during any month by delivering to a pool plant.

A proprietary handler proposed that the milk of a producer that is received at a handler's pool plant under this order during the months of January through July not be pooled if milk of the same producer was received at another order plant operated by the same handler during any of the preceding months of August through December. Proponent stated that the purpose of this proposal was to prevent producers from transferring during the fall months to other Federal orders having Louisville plans, and then shifting back to this market during the flush production months.

Under orders having this type of seasonal incentive production plan, the otherwise applicable uniform price is reduced variously by 20–30 cents per hundredweight during the flush production season, usually April, May, June, and July.

In the fall months when production is seasonally at its lowest level, usually August through December, the money that was deducted during the previous spring is added to the uniform price. Such price may be increased by 25–35 cents per hundredweight as a result of the payback. The plan is designed to encourage a more even production pattern throughout the year, thus inducing more milk to be delivered in the fall when most needed. The Chicago Regional order does not contain provisions of this type, but the Chicago supply area and the supply areas of such other markets (Indiana, Central Illinois, Southern Illinois) overlap in Wisconsin.

There have been cases in which producers on the Chicago market became pooled under nearby orders that have the Louisville plan during the fall payback months, thus sharing in the payback moneys generated by that plan. The same producers then shifted back to the Chicago market after the payback months to avoid the period when deductions are made in the computation of the uniform price pursuant to the Louisville plan under the nearby orders. Producers should not be able to shift to other markets in the fall merely to take advantage of the payback period, then pool their milk on the Chicago order during the flush production months.

If another market is to have the availability of such supplies during the fall when milk is needed there, the Chicago market should not have the burden of such milk as surplus during the flush production months when there is no need for it in the other market. Producers participating in the moneys paid back pursuant to the Louisville plan under other orders should not be afforded an easy opportunity to shift back to the Chicago Regional order merely to avoid payment into the pool of the other order pursuant to the Louisville plan. This practice takes supplies of milk away from the Chicago market at a time when they are needed and then reassociates such supplies at a time when they are not needed, thereby depressing the uniform price and the returns to all producers. This is not conducive to orderly marketing.

Under the provisions adopted herein, the milk from such producers would be identified as other source milk and allocated to Class II. As such, this milk would be classified and priced in a manner similar to receipts of milk from producer-handlers, exempt distributing plants, and fluid milk products from a Government agency that has elected nonproducer status for the month. While not prohibiting or limiting the marketing of milk in this market by such producers, these provisions should discourage the disruptive pooling of neighboring markets' reserve milk supplies to avoid contributing to the seasonal incentive plans in such markets.

It was proposed that a producer not be pooled under this order if his milk were pooled at a plant operated by the same handler under any other order during the previous August–December period. To limit the application of these provisions to producers who delivered to plants operated by the same handler under the other order would not correct the problem described herein. Under these circumstances, Chicago order producers could arrange to deliver to the plant of any other handler in a neighboring market in the fall, then shift back to this market in the spring and be pooled. To correct the problem fully, the milk of producers who delivered during the payback months to a plant of any handler under another order containing provisions for a Louisville plan should not be pooled under this order during the following January through July.

These provisions should not apply to producers who may have shipped to an other Federal order market during the previous low production season where no seasonal incentive payment plan is employed. The problem is between the Chicago Regional order and those markets having Louisville plans. Accordingly, these provisions should be applied only to the milk of those producers pooled previously under orders having the Louisville-type seasonal incentive payment plan.

3. *Receipt of producer milk at a reload facility.*—The "plant" and "supply plant" definitions should be modified to further delineate what constitutes a receipt of milk at a bulk tank truck reload facility.

A cooperative association proposed to discontinue the current requirement that milk be commingled in a second tank truck with other milk at a reload facility to be deemed a receipt at such a plant. As proposed by the cooperative, any milk moved from the farm in a tank truck and transferred at a plant to an empty tank truck (without adding other milk to the load) would be deemed a receipt of producer milk at the plant.

Proponent stated that the purpose of the proposal was to avoid the need to continue a milk commingling practice it engages in at a reload facility to qualify producer milk for pooling. Presently, the cooperative often brings two tank trucks partially filled with milk picked up at farms into a reload facility. The milk in one tank truck is pumped into the other tank truck; then all of the milk is pumped back into the first tank truck. Thus, the milk on each truck is commingled and transferred to another tank truck to meet the letter of the present definition of a receipt of milk at a reload operation.

The requirement that milk be commingled with other milk in another tank truck at a reload facility is for the purpose of determining that such plant performed a supply function with respect to such milk.

The normal function of a bulk tank truck reload operation is to assemble milk from farm bulk tank truck routes into a larger over-the-road tank truck for transshipment to a distant distributing plant. Generally, such practice is a more economic means of assembling distant supplies of milk for distributing plants than for the smaller farm tank trucks to deliver milk directly to distributing plants. Reload facilities are located throughout the supply area in Wisconsin, which extends some 300 miles from distributing plants in the Chicago metropolitan area.

When a reload facility performs a supply plant function of assembling milk into larger loads for transshipment, the milk transshipped through such a plant would be commingled with other milk in another tank truck.

If a partially loaded tank truck stops at a reload facility to take on additional milk (from another tank truck), only that quantity of milk added should be considered a receipt and transshipment of milk from such plant. The milk already on the tank truck should be treated as a receipt at the plant at which it is actually unloaded. No supply function is performed by the reload facility with respect to the milk already in the truck on arrival there.

Similarly, if milk leaves a reload facility on the same tank truck that it arrived there in, it should not be considered a receipt at or transshipment from the facility since no true supply plant function is performed with respect to such milk. Accordingly, if milk is simply pumped into another tank truck and then pumped back into the original tank truck and moved to another plant, it should not be considered as received at or transshipped from the reload facility, since no supply plant function takes place with respect to such milk.

Definitiveness of what constitutes a receipt of milk at a reload facility, and a transshipment from the facility, is necessary to insure that a supply function takes place as opposed to operation of such a facility only for the purpose of transferring milk from truck to truck so that it will be considered a receipt at a pool plant for pooling when it is destined for a nonpool manufacturing plant. The latter operation only serves to circumvent the intent of the limits on diversion of milk to nonpool plants.

Milk handling at a reload station should serve a useful supply plant function as a condition of such a facility being deemed a pool supply plant with respect to the milk received and transshipped from the plant. Accordingly, the proposed amendment should be denied. Moreover, to fully effect the intent of the present order language describing a receipt and transshipment from a reload facility, it should further be specified that milk be transshipped in a tank truck other than the one it arrived there in to be considered a receipt at the plant.

4. *Diversions.*—The provisions relating to diverted milk should be modified as follows:

(a) The August through December diversion limits, which require each producer to deliver at least 50 percent of his milk to pool plants, should also apply during the months of January, February, and March.

It was proposed at the hearing that if the shipping performance period for supply plants were extended from the current August–December period to include the months of January, February, and March, the limitations on diverted milk applicable during August–December likewise should be extended. It was contended that if supply plants are to be required to make milk available for the fluid market during these additional months, individual producers also should be required to perform during this period.

Elsewhere in this decision it is provided that the shipping performance period for regular supply plants be extended from the current August–December period to include the months of January, February, and March. In view of this extension of the performance period for supply plants desiring to participate in this market, it is concluded that producers individually as well as supply plants should be required to perform additionally during these months.

As stated earlier, distributing plants rely heavily on supply plant milk during these months. Producers, therefore, should be required to make their milk available to pool plants instead of diverting the major portion of it to nonpool manufacturing plants. Accordingly, the diversion limits applicable during the months of August through December should be extended to apply during the

months of January, February, and March.

(b) The provision limiting the quantity of a new producer's milk that may be diverted to the quantity of such producer's milk received in pool plants during the first full month of his association should be made to apply in the months of April, May, June, and July. Only those producers who are on the market during the low production months of August–December should be accorded unlimited diversion privilege during the subsequent April–July period.

Currently under the order, the quantity of milk of a new producer that may be diverted is limited to an amount equal to the quantity of such producer's milk received in a pool plant only until after the "first full month" of association with the market. This provision only applies to a producer whose first full month of delivery is during any of the months of January through July. After the first full month of association during such 7-month period the milk of such producer may be diverted to nonpool plants on an unlimited basis as for any other producer.

Two proposals were made to amend the current order language so as to use the terms "30 days" rather than "full month" when limiting the diversions of a new producer. The witness for one of the proponents testified that under the current wording of the order a new producer coming on the market any time after the first day of a month cannot attain unlimited diversion privileges (during January–July) as a regular producer until after the end of the following month (i.e., in some instances almost 2 full months). The witness contended that 30 days of association by a producer would adequately qualify his milk for pooling under the order.

The other proponent of this change, as contained in the hearing notice, modified his proposal at the hearing so as to provide that a new producer coming on the market during the months of January through July would have to make only one delivery to a pool plant to be eligible for full diversion thereafter. The only reason given by the witness in support of this proposed order change was that it would treat new producers on the market the same as producers who change from a pool plant of one handler to a pool plant of another handler.

The diversion privilege is intended primarily to obtain efficiency in the disposition of that milk temporarily not needed at a pool plant. The operators of distributing plants typically associate a sufficient supply of milk with their operations by receipts from dairy farmers and supply plants to cover their requirements on peak bottling days during the period of seasonally low production. Consequently, there are substantial quantities of milk produced on the other days of the week during the low production season, as well as throughout the period of seasonally high production, that must be moved to plants where it can be utilized in manufacturer dairy products. The diversion provisions allow this temporary surplus production to be moved directly from the farm to nonpool manufacturing plants and still remain pooled under the order.

During the fall and winter months, the low production season, diversions of producer milk are limited in an effort to assure that the milk associated with the market is available to pool plants. Then, during the spring and summer months, the heavy production season, these limitations are removed to enable the milk of producers regularly supplying the market to be efficiently marketed to nonpool manufacturing plants when it is not needed at pool plants.

The diversion privilege, however, is not a concept designed to aid in the qualification of new producers on the market, particularly when such limits are lifted during the flush production season and additional supplies are not needed on the market.

The utilization of milk in the Chicago Regional market during the short production months has been about 50 percent Class I. During the flush production months the Class I utilization has ranged from about 34 to 40 percent. Clearly, during the flush production months there is no need to induce additional supplies of milk to be pooled on this market.

Deletion of the provisions limiting the diversions for new producers would make it very easy to associate new supplies of milk with the market. As proposed, the milk of new producers would have to be delivered only once to pool plants during the months of January through July to qualify for pooling and diversion. Thus, substantial additional quantities of milk could be essential with the pool, share in the uniform price, and never be made available to the fluid market. This would not be in the interest of orderly marketing.

The effects of a depressed uniform price are particularly acute in the more distant zones of the Chicago milkshed where such price competes with the prevailing prices being paid for manufacturing grade milk. Prices being paid for milk used to produce cheese at certain unregulated plants during March 1973 ranged from $5.75 to over $6 per hundredweight. In March 1973, the uniform price in Zone 18 was $5.73. One distributing plant operator testified at the hearing that in the recent past his company has lost over 2 million pounds of milk a month to cheese plants that are sharing in the pool but not making the milk available for fluid use. The witness claimed the only way they could have kept this milk was to pay above the order uniform price to these producers.

The association of additional supplies of milk with the pool, thus depressing the uniform price further, would aggravate a milk procurement situation that is already difficult for fluid milk handlers.

As stated previously, the milk of producers regularly supplying the market may be diverted currently during the months of January through July. (This period is being shortened to April to July as adopted hereinbefore.) These producers have demonstrated their association with, and desire to serve, the market when their milk is needed most. New producers coming on this market other than during the August to December period when milk is most needed, therefore, should do so only in response to a need for the milk and should be required to demonstrate their intent to truly serve the needs of the market. Only by making significant shipments to pool plants can new producers demonstrate their association with and intention of serving the fluid market. If new producer wish to come on during this period, however, and the plants through which they will be pooled want the milk, such plants should receive at least 50 percent of the milk from these producers in each month. The order provisions should be written to reflect this purpose.

Since the diversion provisions are tightened as set forth above, the proposal to change the words "full month" to read "30 days", which would relax diversion limits for new producers, is denied.

(c) A producer who supplies the market during any of the months of August through December and who subsequently fails to maintain continuous producer status should not be required to requalify as a new producer for diversion purposes during the following months April to July, unless he is off the market more than 30 consecutive days.

It was proposed at the hearing that in situations where, for example, a producer is off the market for less than 30 days as a result of his farm being degraded that, upon reinstatement of his health permit, such producer not be required to requalify as a new producer. Proponents contended that in most cases such problems are corrected in a few days and the producer resumes his delivery to a pool plant. They claimed that additional transportation costs are incurred in having to requalify as a new producer, unnecessarily reducing returns to such producer.

This particular diversion provision would only have applicability to diversion limits during April to July. During other months of the year there would be no differentiation for diversion as between new and regular producers.

There have been cases where producers' farms have been degraded and they could not deliver to the Grade A market for a few days. After reinstatement of their health permits such producers were in the category of a new producer and thus were required under the order to deliver at least 50 percent of their producer milk to pool plants during the first full month of delivery commencing with their return to the market. This situation has occurred during the months when diversion limits are relaxed with respect to regular producers and has resulted in additional transportation and handling costs to requalify a producer who had demonstrated his association with the market.

As is provided for elsewhere, all producers are required to demonstrate their association with the market by shipping at least 50 percent of their producer milk to pool plants during each of the months of August through March. To require additional shipments of milk to pool plants during the flush production months by producers who have demonstrated their association during the previous period of low production, but for one reason or another were unable to deliver their milk for a limited number of days, is an undue hardship and serves no useful purpose.

This noncancellation of regular producer status should not be limited to cases where a producer loses his health approval. It is intended to apply equally in any reasonable circumstances whereby a producer is unable to deliver his milk for a few days as a result of events or actions not of his own choosing. This will allow for other eventualities such as severe storms, accidents, or other situations that might hamper a producer's ability to deliver milk as producer milk for a limited number of days.

5. *Location adjustments to producers.* The proposal to adjust the uniform price applicable to producers according to the county in which the producer's farm is located should not be adopted on the basis of this record.

As association of cheesemakers located in Wisconsin proposed that the uniform price to producers be adjusted according to the location of the farm, by counties, as opposed to the current adjustment procedure; i.e., according to the location of the plant to which the milk is delivered. Proponent stated, however, that its proposal be limited only to the uniform price for milk delivered to supply plants. The current location adjustments apply at all types of plants and to both class I and uniform prices.

Proponent witness stated that its proposed amendment would encourage each producer to deliver his milk to the supply plant located closest to his farm. He contended that this would result in a lesser transportation allowance credited under the order for assembling milk through supply plants. To demonstrate the impact of the proposal, proponent witness cited the case of producers located near his plant in Zone 18 who are delivering milk to a supply plant located in Zone 12 (a 12-cent higher price zone). Under the proposal, the plant in Zone 12 would not be credited at any higher uniform price than the plant in Zone 18 for milk received from such producers.

Under the current order provisions Class I and uniform prices are adjusted to reflect the added transportation cost of delivering milk to the market center (Chicago) compared to plants nearer the production area in Wisconsin.

The adjustments apply uniformly at any given plant location. For milk moved to the market center through a pool plant the handler operating the transferee plant receives a transfer credit in the amount of the location adjustment applicable at the transferor plant location. If milk is moved directly to the market center from the farm rather than through a plant closer to his farm a higher uniform price is applicable at the market center.

The monetary inducement to move milk to the market center is virtually the same for a producer to ship the milk directly from the farm as it is for a handler to first assemble the milk at a plant in the production area. Moreover, the monetary incentive to move milk to the market center under the current Class I and uniform price location adjustment provisions is the same when milk is moved to the market center through a supply plant located near a producer's farm as it is through a supply plant located closer to the market center. In the case cited by proponent the transfer credit for milk assembled at a supply plant in Zone 18 exceeds the transfer credit applicable to milk assembled at a supply plant in Zone 12 by the same amount that the uniform price at the plant in Zone 12 exceeds the uniform price at a plant in Zone 18.

With respect to milk produced near proponent witness' plant in Zone 18 but assembled at a supply plant in Zone 12, the proposal would reduce the uniform price for such milk by 12 cents (to the Zone 18 price rather than the Zone 12 price). Since producers pay for hauling their milk from farm to plant, such producers could be expected to seek a pool plant outlet closer to their farms in Zone 18. But for milk assembled at Zone 18 rather than Zone 12 the transfer credit would be 12 cents higher. Thus, if such producer milk is moved to the market center through a Zone 18 supply plant rather than a Zone 12 supply plant, there would not be any savings in milk assembly costs resulting from the location adjustment provisions.

Such proposal may in certain circumstances result in increased milk assembly costs. For example, producers whose farms are located in Zone 15 equidistant from a supply plant in Zone 12 and proponent witness' plant in Zone 18 would receive the same price irrespective of the plant to which they deliver. Such producers' farm-to-plant hauling cost would tend to be the same for delivery to the Zone 12 plant and the Zone 18 plant. However, if the milk were assembled at the Zone 18 plant, the transfer credit for moving the milk to the market center would be 12 cents greater than if it were assembled at the Zone 12 plant.

Since proponent limited the application of its proposal to only milk delivered to pool supply plants, the current location adjustment provisions would continue to apply to milk delivered to other types of plants. This would tend to result in different uniform prices for milk delivered to plants similarly located, since many supply plants in the market are located near pool distributing plants.

The type of plant-milk is received at does not have a bearing on the cost of moving milk to such plant from the farm. Consequently, type of plant does not provide an appropriate basis for adjusting prices for location, since it would not provide uniformity of prices among producers delivering milk to all plants at similar location relative to the market center.

In view of the above considerations, it is concluded that the proposed amendment to the location adjustment provisions should not be adopted.

6. *Emergency action.*—The recommended decision and the opportunity to file exceptions thereto should not be omitted on the basis of this record.

It was requested that emergency action be taken with respect to the proposals dealing with pool plant performance requirements. Witness for the proponents testified that the marketing conditions resulting from the current August through December unit pooling performance requirements are intolerable and will become more intense if continued in the fall qualifying months ahead. Since the proposed new performance qualification period begins August 1, 1973, the witness stated that it is imperative that an amended order be issued and effective by such date. To accomplish this the proponents requested omission of the recommended decision and expedited issuance of a final decision on these matters.

In lieu of such action, the same proponents requested immediate suspension of the automatic pool plant qualification provisions and the unit pooling provisions, such suspension to be effective August 1, 1973. It was claimed that this action would alert all interested parties of the proponents' intentions. The witness stated that during the summer months handlers are making their plans for pooling their supplies of milk during the coming fall qualifying period. It was contended that suspension of those automatic pooling provisions would put everyone on proper notice and handlers could plan accordingly.

The amendments provided for herein are substantial and could materially affect marketing practices of certain handlers. Persons affected should have opportunity to file exceptions to the recommendations contained herein.

In regard to the request for suspension action, the target date for the changes in the order provisions is August 1, 1973. If it is determined in the intervening period that such amendments cannot be made effective by August 1, the request for suspension action can be reconsidered.

Rulings on proposed findings and conclusions.—Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record, were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are

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

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

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

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

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Chicago Regional marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1030.10 paragraphs (a) and (c) are revised to read as follows:

§ 1030.10 Plant.

(a) "Plant" means a building together with its facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment: (1) that has facilities adequate for cleansing tank trucks, is approved by an appropriate health authority, and at which milk moved from the farm is transferred and commingled in another tank truck with other milk and is transshipped in such other tank truck to another plant, (2) at which milk is received from dairy farmers, or (3) at which milk is processed and packaged or manufactured. If a portion of the building is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition and is physically separated from the approved portion, such unapproved portion shall not be considered as meeting the terms of this definition.

* * * * *

(c) "Supply plant" means a plant from which a Grade A fluid milk product is shipped or transshipped during the month to another plant. Such supply plant shall be equipped with storage capacity sufficient to hold the largest quantity of fluid milk product either received in the plant or shipped from the plant as a single load during the month, except that no storage capacity shall be maintained in a plant described in paragraph (a)(1) of this section. Any plant located on the premises of a pool distributing plant pursuant to § 1030.11(a) shall not be considered a supply plant unless it is located in a building that is entirely separate from the distributing plant.

2. In paragraph (b) of § 1030.11 subparagraphs (4), (5), (6), and (7) are revised to read as follows:

§ 1030.11 Pool plant.

* * * * *

(b) * * *

(4) Such percentage shall be not less than 40 for each of the months of September, October, and November, and 30 for all other months, except that a plant that was a pool plant pursuant to this paragraph during each of the months of August through December, the percentage shall be not less than 20 for each of the following months of January, February, and March. A plant meeting such requirements for August through March shall be a pool plant for each of the following months of April through July, unless:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area; or

(ii) Written application is filed with the market administrator by the plant operator on or before the first day of any such month (April–July) requesting the plant be designated a nonpool plant for such month and any subsequent month through July, provided it does not otherwise qualify as a pool plant.

(5) For the purpose of determining the percentages specified in subparagraphs (4) and (7) of this paragraph, the quantity of fluid milk products moved from a supply plant pursuant to subparagraph (1)(i) of this paragraph shall be a net quantity assignable at pool distributing plants computed by subtracting from the quantity of fluid milk products received from a supply plant(s), but not to exceed such quantity, the amounts described in subdivisions (i) and (ii) of this subparagraph (if fluid milk products are received from more than one supply plant, such net quantity assignable shall be prorated among supply plants in accordance with the total receipts from such plants).

(i) The quantity of fluid milk products in the form of bulk milk and skim milk transferred from the pool distributing plant to pool supply plants plus any such bulk shipments to nonpool plants as Class II milk, other than:

(*a*) Transfers classified pursuant to § 1030.41(b)(4); and

(*b*) Transfers on any Saturday or on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving, or Christmas, that no milk is received at the pool distributing plant from a supply plant, in an amount not in excess of 120 percent of the average daily receipts of producer milk pursuant to § 1030.16(a) at the plant during the prior month, less the quantity of producer milk diverted pursuant to § 1030.16(d) on such day. If no producer milk was received in the distributing plant during the prior month, the average daily receipts during the current month shall be used in lieu of the prior month for computing the transfers to be excepted by this subdivision; and

(ii) If milk is diverted from the pool distributing plant on the date of the receipt from the supply plant, the quantity so diverted, except any diversion of milk (not to exceed 3 days' production of any individual producer) made because of an emergency situation such as a breakdown of trucking equipment or hazardous road conditions shall not be subtracted if such emergency is reported to the market administrator.

(6) The percentages specified in subparagraph (4) and/or in subparagraph (7)(iii) of this paragraph applicable during the months August–March shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided*, That if a plant which would not otherwise qualify as a pool plant during the month pursuant to subparagraph (4) or subparagraph (7)(iii) of this paragraph would qualify as a pool plant as a result of this subparagraph, such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator.

(7) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned or fully leased and operated by the handler establishing the unit and such plants shall have been pool plants the month prior to being included in a unit. In the case of plants operated by cooperative associations two or more cooperative associations may establish a unit of designated plants by filing with the market administrator a written contractual agreement obligating each plant of the unit to ship milk as directed by such cooperatives;

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year;

(iii) Each plant in a unit ships or transships to plants specified in subparagraph (1) of this paragraph the following percentages of its producer milk: 20 in each of the months of September, October, and November; 15 in each of the months of August and December; and 10 in each of the months of January, February, and March. If for any month a plant does not meet the individual plant shipping percentage, that plant shall be excluded from the unit; and

(iv) The notification pursuant to subdivision (ii) of this subparagraph shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

* * * * *

3. In § 1030.15 delete the "and" at the end of paragraph (b), delete the period at the end of paragraph (c) and add "; and," and add a new paragraph (d) to read as follows:

§ 1030.15 Producer.

* * * * *

(d) A dairy farmer with respect to milk produced by him that is received at a handler's pool plant during the months of January through July if any milk from the same farm was a receipt of producer milk in any "payback" month during the preceding year under an other order that provided for a seasonal incentive payment plan whereby funds previously withheld in the computation of the uniform price to producers were paid back to producers through the uniform price computation in subsequent months of the year.

4. In § 1030.16 paragraph (e) is revised to read as follows:

§ 1030.16 Producer milk.

* * * * *

(e) Diverted from a pool plant to a nonpool plant, subject to the conditions specified in this paragraph. Milk shall be eligible for diversion as producer milk only if the person producing such milk had delivered milk as producer milk to a pool plant prior to the diversion. Milk picked up at a producer's farm in a tank truck, to the extent it is unloaded at a nonpool plant, shall be subject to the conditions specified in this paragraph; and if the tank truck contains milk from more than one producer, the quantity subject to the conditions specified in this paragraph shall be prorated over the total quantity of milk picked up at each producer's farm. In calculating the percentages specified in § 1030.11, milk so diverted shall be considered as received in the pool plant from which diverted. The location price differentials pursuant to § 1030.82 shall be based on the zone location of the nonpool plant(s) where such milk is physically received, except that in the case of a distributing plant, diverted milk of a producer shall be priced at the location of such plant if during the month not more than 4 days' production of such producer is diverted, or if the diverted milk is part of a tank truck load of milk that exceeds the milk storage capacity of such distributing plant. Diverted milk shall be limited as follows:

(1) Milk of a producer diverted for the account of the operator of a pool plant or a cooperative association pursuant to § 1030.13(d) that does not exceed the quantity of such producer's milk received in the pool plant from which diverted: *Provided*, That during the months of April through July such limit shall not apply for a producer who delivered to a pool plant any time during the prior August–December and subsequently maintained producer status without interruption of more than 30 consecutive days;

(2) To the extent that milk diverted by a cooperative as a handler during any month would result in the plant failing to qualify as a pool plant under § 1030.11 such diverted milk shall not be producer milk;

(3) Milk diverted to an other order plant shall be producer milk pursuant to this section only if it is not producer milk under such other order; and

(4) Milk of a producer diverted by a handler who fails to report the information required pursuant to § 1030.31 (b) (4) shall not be considered producer milk pursuant to this paragraph.

5. In § 1030.30 subparagraph (3) of paragraph (a) is revised to read as follows:

§ 1030.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) Fluid milk products received from pool plants of other handlers (or other pool plants, as applicable), including a separate statement of the net receipts from each supply plant computed pursuant to § 1030.11(b) (5), except that during the months of April through July no such separate statement need be made if receipts from supply plants are only from plants that were pool plants during the prior months of August through March;

* * * * *

6. In paragraph (b) of § 1030.31 delete the term "and" at the end of subparagraph (4), add the term "and" at the end of subparagraph (5), and add a new subparagraph (6) to read as follows:

§ 1030.31 Other reports.

* * * * *

(b) * * *

(6) Each handler who, during the month, received milk from a dairy farmer from whom he had not received milk for at least 30 consecutive days, shall report the name and address of the dairy farmer and the plant to which each such person previously delivered milk. Each handler who discontinues receiving milk from a producer during the month shall report each such producer's name, address, and the plant to which such person transferred.

* * * * *

7. In § 1030.46(a)(3) delete the term "and" at the end of subdivision (iv), change the period at the end of subdivision (v) to a semicolon, add the term "and" at the end of subdivision (vi), and add a new subdivision (vii) to read as follows:

§ 1030.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) * * *

(vii) Receipts of fluid milk products from persons described in § 1030.15(d);

* * * * *

Signed at Washington, D.C., on June 12, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73–11990 Filed 6–14–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR, Part 205]

GENERAL ADMINISTRATION; PUBLIC ASSISTANCE PROGRAMS

Proposed Cost Allocation

Notice is hereby given that the regulatons set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement an administrative determination that State public assistance and medical assistance agencies must submit cost allocation plans when requested by the Regional Commissioner. This will permit review and updating of costing methods and provide information on the significance of costs in relation to the allocation basis.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of

Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before July 2, 1973. Comments received will be available for public inspection in room 5121 of the Department's offices at 301 C Street SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–963–7361).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Dated May 14, 1973.

FRANCIS D. DEGEORGE,
Acting Administrator, Social and Rehabilitation Service.

Approved June 12, 1973.

FRANK CARLUCCI,
Acting Secretary.

Section 205.150 of part 205, chapter II, title 45, of the Code of Federal Regulations, is revised to read as set forth below:

§ 250.150 Cost allocation.

(a) *State plan requirements.* A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide that the single State agency will establish and maintain methods and procedures for properly charging the costs of administration, services (excluding those purchased), and training activities under the plan in accordance with Federal requirements (Office of Management and Budget Circular A–87 and Department of Social and Rehabilitation Service regulations and instructions). Such methods and procedures must include those for:

(1) Allocating all such administrative costs of the State department in which the State agency is located between Federal and non-Federal programs;

(2) Identifying, of the costs applicable to more than one of the Federal programs, those applicable to each of the separate programs, in accordance with program classifications specified by the Secretary; and

(3) Segregating costs in subparagraph (2) of this paragraph by service and income maintenance functions, where applicable, and by such other classifications as are found necessary by the Secretary.

(b) *Federal financial participation.* As a condition for receipt of Federal financial participation, a State must submit for approval a revised cost allocation plan within 3 months after being requested by the SRS Regional Commissioner. These requests will be made by the Regional Commissioner when it has been determined that the existing cost allocation plan is outdated due to significant organizational changes within the State agency, changes in Federal regulations, and other similar factors.

(1) The cost allocation plan shall include descriptions of the methods referred to in paragraph (a) of this section; the functions and activities by organizational units; estimated costs for the fiscal year by organizational unit (unless specifically waived by the Regional Commissioner); the basis used for allocating the various pools of costs to programs or activities (with justification for each); and such other information as may be necessary to document the validity of the cost allocation method. The estimated costs are included solely to permit evaluation of the methods of allocation. Approval of the cost allocation plan shall not be considered as approval of these estimated costs for use in calculating claims for FFP.

(2) Where a revised cost allocation plan is received within the 3-month period the State will continue to receive Federal financial participation under the old plan subject to any adjustments based on the revised cost allocation plan using the effective date designated by the SRS Regional Commissioner. Adjustments will be made when the revised plan is approved by the SRS Regional Commissioner.

[FR Doc.73–11983 Filed 6–14–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 21]

[Docket No. 19311]

MICROWAVE RADIO

Establishment of Policies and Procedures for Use of Digital Modulation Techniques; Extension of Time for Filing Comments

In the matter of establishment of policies and procedures for the use of digital modulation techniques in microwave radio and proposed amendments to parts 2 and 21, docket No. 19311.

1. The notice of proposed rulemaking in the above-captioned matter released May 8, 1973 (FCC 73–455) (38 FR 12750), specified July 2 and August 3, 1973, as the dates for filing comments and reply comments. On June 1, 1973, the Electronic Industries Association (EIA) filed a request for extension of time for filing comments.

2. EIA states that through an engineering committee of its fixed point-to-point communications section it intends to file substantial comments. However, it contends that the issues addressed are complex and require considerable study, and in order to file the most complete comments possible it must contact a wide segment of its membership. Therefore, it requests a 2-week extension.

3. There is, of course, some degree of urgency in resolving the questions raised by the growing interest in the use of digital microwave. On the other hand, we do recognize that the subject is complex and that it is highly desirable for the Commission to receive the most complete and comprehensive comments possible. Therefore, we believe the requested extension of time would serve the public interest.

4. *Accordingly, it is hereby ordered,* Pursuant to authority of § 0.303(c) of the Commission's rules, that the time for filing comments and reply comments in this proceeding is extended to July 16, 1973 and August 17, 1973, respectively.

Adopted June 5, 1973.

Released June 8, 1973.

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

[FR Doc.73–11949 Filed 6–14–73;8:45 am]

[47 CFR, Part 73]

[Docket No. 19762; FCC 73–606]

FM BROADCAST STATIONS IN EAST MOLINE, ILL.

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (East Moline, Ill.), docket No. 19762, RM–1973.

1. The Commission has before it for consideration the above-captioned petition for rulemaking filed on May 3, 1972 (supplement filed Apr. 12, 1973), by Upper Rock Island Holding Co., Inc. (petitioner), which requests the amendment of § 73.202(b) of the Commission's rules and regulations by adding the class B channel 267 at East Moline, Ill., to the table of FM assignments. Two statements in support of the proposal were filed by other parties. One, by the Moody Bible Institute of Chicago, licensee of AM station WDLM, East Moline, Ill., which states that because it is a daytime-only station it has been handicapped in being able to render a public service except during the daytime. It adds that if channel 267 is assigned to East Moline it will immediately file for a construction permit. The other statement in support was filed by KSTT, Inc., licensee of station KSTT, Davenport, Iowa, which says that there is no station in East Moline which provides adequate coverage of the newsworthy events and community activities of East Moline and nearby Silvis, or live coverage of the locally popular East Moline High School sporting events. KSTT contends that since all of the surrounding stations are licensed to large adjacent communities, they are unable to adequately cover the governmental, community, and sports scenes of East Moline in their programing. KSTT states that on the basis of many years of service in this area, it unreservedly supports the allocation of an FM channel to East Moline.

2. East Moline (population 20,832),[1] located in Rock Island County (population 166,734), is part of the Davenport-Rock Island-Moline urbanized area (population 266,199). It presently has one daytime-only AM station (WDLM) and no FM assignments. In addition to the AM station at East Moline, there are five AM stations and four FM stations in the urbanized area, which are as follows: Davenport (population 98,469) has three

[1] Population figures cited are taken from 1970 U.S. census.

AM stations and two FM stations (channels 279, 293); Rock Island (population 50,166) has one AM station and one FM station (channel 255); and Moline (population 46,237) has one AM station and one FM station (channel 245).

3. In support of its request petitioner states that East Moline is governed by a mayor-city council, and is one of the Quad Cities, a clustering of cities, towns, and villages along the Mississippi River where two States (Illinois and Iowa) merge into a single community, the largest of which are Davenport and Bettendorf, Iowa, and Rock Island, Moline, and East Moline, Ill. It notes that the population of East Moline has increased from 16,732 in 1960 to 20,832 in 1970. It adds that the five largest employers in the Quad City industrial area are John Deere & Co. (8,500 employees), ALCOA (2,800 employees), Oscar Mayer & Co. (2,000 employees) and Rock Island Arsenal (6,250 employees). Petitioner states that Eeast Moline has its own library, 24 churches, 10 elementary schools, 1 high school, 1 junior college, 2 banks and 1 savings and loan association, and contains more than 250 retail establishments and is served by 3 nearby shopping centers. It states that should the Commission assign the channel to East Moline it intends to file an application for a construction permit.

4. In its engineering statement, petitioner indicates that the proposed assignment would not foreclose future assignments on any of the six adjacent channels and that preclusion on channel 267 would occur in a very limited area some 9 miles northeast of East Moline, the only area where a station on channel 267 could be located. It further indicates that a station operating from this site with a maximum class B facility would be able to place a 70 dBu signal or greater over the principal cities of the urbanized area. Thus it appears that the channel could be assigned to any one of these cities. If assigned to Davenport, Rock Island, or Moline it could be used at East Moline under the provisions of § 73.203(b). We believe that petitioner has made a sufficient public interest showing to warrant issuance of a notice of proposed rulemaking. Commenting parties are free to discuss the merits of assignment of the channel to any of the four cities. However, in view of their populations and present channel assignments, and in view of the fact that Moline is located immediately adjacent to East Moline, we are proposing assignment of the channel to either of the latter two communities.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the table of assignments in § 73.202(b) with respect to the cities listed below:

City	Channel No.		
	Present		Proposed
East Moline, Ill.			267
		or	
Moline, Ill.	245		245, 267

6. Comments are invited on the proposals set forth and discussed above. Proponent will be expected to answer whatever questions, if any, are raised in the notice and other questions that may be presented by initial comments. The proponent is expected to file comments even if nothing more than to incorporate by reference the petition, and is expected to state its intention to apply for the channel, if assigned, and, if authorized, to promptly build the station. Failure to make this showing may result in the denial of the petition.

7. *Cutoff procedure.*—As in other recent FM rulemaking proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rulemaking which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that they will not be considered in connection with the decision herein.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before July 20, 1973, and reply comments on or before July 31, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

10. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted June 6, 1973.

Released June 11, 1973.

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

[FR Doc.73-11951 Filed 6-14-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

[Treasury Order No. 175-6]

OFFICE OF INDUSTRIAL ECONOMICS

Transfer to Assistant Secretary for Tax Policy

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, supervision of the current functions of the Office of Industrial Economics is transferred from the Commissoner of Internal Revenue to the Assistant Secretary for Tax Policy, effective immediately.

Positions, personnel, funds, records, and property of the Office of Industrial Economics, as determined by the Commissioner of Internal Revenue, the Assistant Secretary for Tax Policy and the Assistant Secretary for Administration, will be transferred from Internal Revenue Service to the Office of the Secretary effective July 1, 1973.

Dated June 11, 1973.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-11979 Filed 6-14-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

SPECIAL WORKING GROUP ON HARDNESS ASSURANCE

Establishment

In accordance with the provisions of Public Law 92-463, the Federal Advisory Commitee Act, notice is hereby given that the Special Working Group on Hardness Assurance has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for the advisory group and concurs with its establishment.

The charter, including the mission and functions for the Special Working Group on Hardness Assurance, is classified. Any questions pertaining to the group may be addressed to Mr. Peter H. Haas, Scientific Assistant to the Deputy Director (Science and Technology), Defense Nuclear Agency, Washington, D.C. 20305; telephone: 694-5044.

Dated June 12, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, Office of the Assistant Secretary of Defense (Comptroller).

[FR Doc.73-11931 Filed 6-14-73;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

ALARM COMMITTEE OF THE PRIVATE SECURITY COUNCIL

Notice of Meeting

Notice is hereby given that the Alarm Committee of the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet on Tuesday, July 17, at 10 a.m. in room 1352 of the Law Enforcement Assistance Administration at 633 Indiana Avenue NW., Washington, D.C.

The meeting will be open to the public. Any interested person may file a written statement with the council for its consideration.

Statements may be sent to or information requested from Robert Macy, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20530.

JACK A. NADOL,
Advisory Committee Management Officer, Office of General Counsel.

[FR Doc.73-11945 Filed 6-14-73;8:45 am]

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

ANNUAL REGULATIONS CONFERENCE FOR SHORE AND UPLAND MIGRATORY GAME BIRDS

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given of the Annual Regulations Conference for Shore and Upland Migratory Game Birds to be held at 9 a.m., Tuesday, June 26, 1973, in room 2008, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20006.

The purpose of this meeting is to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and to discuss proposed hunting regulations for the 1973-74 hunting season.

This meeting will be open to the public. Persons wishing to attend should notify the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, or call AC 202-343-8655 or 343-6025. Statements of interested persons must be filed in writing with the Director before or after the meeting. To the extent that time permits, the chairman of the conference will accept brief oral statements from the public at the close of the committee's agenda providing that such statements are also submitted in writing before or after the meeting.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JUNE 11, 1973.

[FR Doc.73-11944 Filed 6-14-73;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, June 23, 1973, at 10 a.m., at the National Capital Parks Headquarters, Conference Room (room 234), 1100 Ohio Drive SW., Washington, D.C.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman)
Glen Echo, Md.
Mrs. Caroline Freeland
Bethesda, Md.
Hon. Vladimir A. Wahbe
Baltimore, Md.
Mr. Thomas W. Richards
Arlington, Va.
Mr. John C. Lewis
Hamilton, Va.
Hon. Joseph H. Manning
Annapolis, Md.
Mr. Burton C. English
Berkeley Springs, W. Va.
Mr. James G. Banks
Washington, D.C.
Mr. Joseph H. Cole
Washington, D.C.
Mr. Ronald A. Clites
LaVale, Md.
Mrs. Mary Miltenberger
Cumberland, Md.
Dr. James H. Gilford
Frederick, Md.
Dr. K. R. Bromfield
Frederick, Md.
Mr. Grant Conway
Brookmont, Md.
Mr. Edwin F. Wesely
Chevy Chase, Md.
Mr. John C. Frye
Gapland, Md.
Mr. Justice Douglas
(Special Consultant)

Mr. Rome F. Schwagel
Keedysville, Md.
Mr. Donald Frush
Hagerstown, Md.

The matters to be discussed at this meeting include:

1. Dickerson Power Plant
2. Georgetown Waterfront
3. Proposed Master Plan
4. The two Superintendents' reports on their major activities since the last Commission meeting.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 15 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Assistant Director, Cooperative Activities, National Capital Parks, at Area Code 202–426–6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the Office of National Capital Parks, room 208, 1100 Ohio Drive SW., Washington, D.C.

Dated June 8, 1973.

IRA WHITLOCK,
Acting Associate Director,
National Park Service.

[FR Doc.73–11977 Filed 6–14–73;8:45 am]

Office of the Secretary

[FES 73–28]

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

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed inclusion of the Little Miami River into the national wild and scenic rivers system. Notice of availability of the draft environmental statement inviting comments was announced in the FEDERAL REGISTER on February 16, 1973 (DES 73–5).

The environmental statement considers the determination of the Federal-State study team that a 64-mile segment of the Little Miami River from the Highway 72 crossing at Clifton, Ohio, downstream to Glen Island just below Foster, Ohio, and 2 miles of its Caesars Creek tributary qualifies for inclusion into the national wild and scenic rivers system. Two thousand acres along the river would be purchased in fee and 4,460 in scenic easement. The land would be maintained as open space and would provide public outdoor recreation opportunities. Adverse effects of the action would be restriction of certain land uses such as commercial and residential development, expected influx of visitors and consequently increased traffic in the area, and some temporary disturbance of natural ground cover while construction of facilities is taking place.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Lake Central Region, 3853 Research Park Drive, Ann Arbor, Mich. 48104
Department of the Interior, Division of State Programs, Bureau of Outdoor Recreation, Washington, D.C. 20240
Ohio Environmental Protection Agency, 450 East Town Street, Columbus, Ohio 43216
O-K-I Regional Planning Authority, Alms and Doepke Building, room 502, 222 East Central Parkway, Cincinnati, Ohio 45202
Miami Valley Regional Planning Commission, Dayco Building, 333 West First Street, Dayton, Ohio 45402

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

Dated June 8, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary
of the Interior.

[FR Doc.73–11922 Filed 6–14–73;8:45 am]

[DES 73–35]

MARBLE BLUFF DAM AND PYRAMID LAKE FISHWAY AUTHORIZED WASHOE PROJECT, NEVADA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on the authorized dam and fishway as features of the Washoe project. Purposes of these facilities are channel stabilization of the lower Truckee River and reestablishment of upstream spawning of the rare Lahontan cutthroat trout and the endangerous cui-ui. Written comments may be submitted to the Regional Director (address below) within 45 days of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone, 202–343–4991
Division of Engineering Support, Technical Service Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225, telephone, 303–234–3007
Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, Calif. 95825, telephone, 916–484–4571
Lahontan Basin Projects Office, Bureau of Reclamation, P.O. Box 640, Carson City, Nev. 89701, telephone, 702–882–3436.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated June 8, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary
of the Interior.

[FR Doc.73–11921 Filed 6–14–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CORONADO NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Coronado National Forest Grazing Advisory Board will meet at 10 a.m. June 22, 1973, at the Coronado National Forest Supervisor's Office, 130 South Scott Street, Tucson, Ariz.

The purpose of the meeting is to discuss an alleged grazing trespass case that occurred on the Coronado National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Coronado National Forest Supervisor, 130 South Scott Street, Tucson, Ariz. 85702. The telephone number is 602–792–6418. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation: To the extent that time permits, interested persons may be permitted by the Board Chairman to present pertinent oral statements at the meeting.

FRANK J. SMITH,
Director of Range Management.

JUNE 11, 1973.

[FR Doc.73–11918 Filed 6–14–73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

KEITH C. KOONTZ

Notice of Exemption Application From Marine Mammal Protection Act

Notice is hereby given that the following named individual has filed an application for an exemption from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on grounds of undue economic hardship as authorized by section 101(c) of the act, and § 216.13 of the Interim Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, 28182, Dec. 21, 1972) for the taking of marine mammals as hereinafter described for the purposes stated.

Keith C. Koontz, Post Office Box 87, Savoonga, Alaska 99769, to take by shooting as many as 10 bearded seals (*Erignathus barbatus*), 30 ringed seals (*Pusa hispida*), 30 harbor seals (*Phoca vitulina*), and 10 ribbon seals (*Histriophoca fasciata*) for subsistence purposes.

The applicant states that:

(1) He is a Caucasian residing in the village of Savoonga on St. Lawrence

Island, Alaska, where he has resided intermittently since 1967 and permanently since 1971, that his wife is an Eskimo, and aside from a short period of guiding during summer months he and his wife and two children live in a manner indistinguishable from the Eskimo residents of the village who constitute the vast majority;

(2) The seals will be taken on the waters and ice around St. Lawrence Island, from migrating populations; and

(3) Should he not be able to hunt seals, he will suffer undue economic hardship in that he will be unable to provide food and clothing for his family in the only way it is possible to do so on St. Lawrence Island as circumstances now exist.

Documents submitted in connection with this application, other than documents containing information exempted from public disclosure by the Freedom of Information Act (5 U.S.C. 552(b)), are available for inspection in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the office of the Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99801. Any person wishing to comment on this application may write to either or both of these offices.

All statements and opinions contained in this notice in support of this application are those of the Applicant.

Dated June 13, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-12027 Filed 6-14-73;8:45 am]

Office of Import Programs

MOUNT SINAI SCHOOL OF 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 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. 73-00412-33-46040. Applicant: The Mount Sinai School of Medicine of the City University of New York, 100th Street and Fifth Avenue, New York, N.Y. 10029. Article: Electron Microscope, model JEM 120. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a number of projects which include:

(1) Determination of the level of fibrous particulate contamination in outdoor, indoor ambient, and recirculated air in large buildings;

(2) An industrial program to evaluate particle contamination in ambient air, in and around places where asbestos is being used;

(3) Study of the exposure risks in defined cohorts of individuals living in and around an asbestos factory which involves examination of ambient air samples and settled dusts from houses in and around an asbestos factory;

(4) Study of the interaction and effects mineral microparticulates have on biological systems (in vivo and in vitro test systems) in both pulmonary and extrapulmonary tissues;

(5) Study of the particles in the lungs of urban dwellers in two periods of time (1926-28) (1966-68);

(6) Study of the particle content of the lungs of asbestos insulation workers;

(7) Differentiation of single amphibole asbestos fibers on the basis of their selected area electron diffraction patterns; and

(8) Identification of unknown microparticles in tissues and air samples on the basis of their selected area electron diffraction patterns.

The article will also be used in courses, Advanced Research Methods in Geology and Medical Ecology, to: (1) Introduce the theory of electron microscopy to the students; (2) outline the principles of electron diffraction; (3) outline preparations; and (4) outline analytical methods. Application received by Commissioner of Customs March 12, 1973. Advice submitted by Department of Health, Education, and Welfare on: May 16, 1973.

Docket No. 73-00502-65-46040. Applicant: Michigan Technological University, Department of Metallurgical Engineering, Houghton, Mich. 49931. Article: Electron Microscope, model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used primarily for studying phase transformation in metals and defect structure in materials. The article will also be used to study aerosols, rock structure, and phages in biology. In addition, the article will be used extensively in student instruction in both research and teaching laboratories. Application received by Commissioner of Customs: March 1, 1973. Advice submitted by National Bureau of Standards on: May 22, 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 of 3 Angstroms. The most closely comparable domestic instrument is the model EMU-4C electron microscope which is manufactured by the Forgflo Corp. (Forgflo). The model EMU-4C has a specified resolving capability of 5 Angstroms. (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 or the National Bureau of Standards 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 Forgflo 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.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-11947 Filed 6-14-73;8:45 am]

UNIVERSITY OF AKRON

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00395-01-86500. Applicant: University of Akron, Akron, Ohio 44325. Article: Rheogoniometer, R-18. Manufacturer: Sangamo Control, Ltd., United Kingdom. Intended use of article: The article is intended to be used for a current research project involving viscoelastic effects on blood flow. Experiments must be conducted to measure normal stress effects in a number of low viscosity solutions (1-4 cps.) including blood. In these experiments, aqueous media (including blood) are to be altered by addition of 40-80 p/m of soluble drag reducing polymers.

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 a sensitivity of 5 dyne-centimeters. The most closely comparable domestic instrument, the Rheometrics mechanical spectrometer, manufactured by Rheometrics Inc. provides a sensitivity of approximately 200,000 dyne-centimeters. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated May 16, 1973, that the best sensitivity available is pertinent to the applicant's intended use in the study of soluble drag reducing polymers in aqueous media and blood.

We, therefore, find that the Rheometrics mechanical spectrometer is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

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

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-11946 Filed 6-14-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 2B2814]

ROHM AND HAAS CO.

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), Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, has withdrawn its petition (FAP 2B2814), notice of which was published in the FEDERAL REGISTER of July 25, 1972 (37 FR 14825), proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for the safe use of copolymers of ethyl acrylate, methyl methacrylate, styrene, methacrylic acid, and hydroxypropyl methacrylate as modifiers for mixtures of melamine-formaldehyde resins and epoxy resins in food-contact coatings.

Dated June 6, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-11925 Filed 6-14-73;8:45 am]

[FAP 1H2590]

SCIENTIFIC SUPPLY CO., INC.

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), Scientific Supply Co., Inc., P.O. Box 5231, Terminal Annex, Denver, Colo. 80217, has withdrawn its petition (FAP 1H2590), notice of which was published in the FEDERAL REGISTER of March 30, 1971 (36 FR 5870), proposing that § 121.2547 Sanitizing solutions (21 CFR 121.2547) be amended to provide for the safe use of a mixture of methyl dodecyl benzyl trimethyl ammonium chloride, methyl dodecyl xylylene bis-(trimethyl ammonium chloride), and an alkyl aryl polyether alcohol as a sanitizing solution on food-processing equipment and utensils and on other food-contact articles.

Dated June 7, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-11926 Filed 6-14-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-369/370]

DUKE POWER CO.

Notice of Availability of Initial Decision of Atomic Safety and Licensing Board

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulation in appendix D, sections A.9 and A.11, to 10 CFR, part 50, notice is hereby given that an initial decision dated February 21, 1973, by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing issuance of a permit to Duke Power Co. for construction of William B. McGuire Nuclear Station, Units 1 and 2 located in Mecklenburg County, N.C., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Public Library of Charlotte and Mecklenburg County, 310 North Trojan Street, Charlotte, N.C. 28208.

The initial decision is also being made available at the Clearinghouse and Information Center, 116 West Jones Street, Raleigh, N.C. 27603, and at the Centralina Council of Governments, 1229 Greenwood Cliff, suite 301, Charlotte, N.C. 28204.

The initial decision modified in certain respects the contents of the final environmental statement relating to the construction of the William B. McGuire Nuclear Station, Units 1 and 2 prepared by the Commission's Directorate of Licensing. A copy of this final environmental statement is also available for public inspection at the above designated locations.

Pursuant to the provisions of 10 CFR, part 50, appendix D, section A.11, the final environmental statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the initial decision are different from those contained in the final environmental statement. As required by section A.11 of appendix D, a copy of the initial decision, which modifies the final environmental statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Single copies of the initial decision and of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md. this 11th day of June 1973.

For the Atomic Energy Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch No. 4, Directorate of Licensing.

[FR Doc.73-11923 Filed 6-14-73;8:45 am]

[Docket No. 50-335]

FLORIDA POWER & LIGHT CO.

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in appendix D to 10 CFR, part 50, notice is hereby given that the final environmental statement prepared by the Commission's Directorate of Licensing, related to the proposed St. Lucie Plant, Unit No. 1, currently under construction by Florida Power & Light Co. on Hutchinson Island in St. Lucie County, Fla., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Fla. 33450. The final environmental statement is also being made available at the Department of Administration, Division of State Planning, 725 South Bronough, Tallahassee, Fla. 32304.

The notice of availability of the draft environmental statement for the St. Lucie Plant, Unit No. 1, and requests for comments from interested persons was published in the FEDERAL REGISTER on September 15, 1972 (37 FR 18764). The comments received from Federal, State, local, and interested members of the public have been included as appendixes to the final environmental statement.

Single copies of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 11th day of June 1973.

For the Atomic Energy Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch No. 4, Directorate of Licensing.

[FR Doc.73-11924 Filed 6-14-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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 Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Legislative Affairs, Office of Legislative Affairs.

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

[FR Doc.73-11964 Filed 6-14-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant to the Secretary for Congressional Services, Congressional Services Staff, Office of the Secretary.

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

[FR Doc.73-11963 Filed 6-14-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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 Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Under Secretary, Office of the Under Secretary.

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

[FR Doc.73-11960 Filed 6-14-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Notice of Revocation of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director of Intergovernmental Relations, Office of Congressional Relations.

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

[FR Doc.73-11961 Filed 6-14-73;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 Director, Office of Congressional Relations, Office of the Secretary.

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

[FR Doc.73-11962 Filed 6-14-73;8:45 am]

DEPARTMENT OF TREASURY

Notice of Title Change in Noncareer Executive Assignment

By notice of May 14, 1968, FR Doc. 68-5705 the Civil Service Commission authorized the Department of the Treasury to fill by noncareer executive assignment the position of Deputy Assistant to the Secretary (Congressional Relations), Office of the Secretary. This is notice that the title of this position is now being changed to Deputy Assistant to the Secretary for Legislative Affairs, Office of the Secretary.

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

[FR Doc.73-11959 Filed 6-14-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Addition to Procurement List 1973

Notice of proposed addition to the initial procurement list, August 26, 1971 (36 FR 16982), was published in the FEDERAL REGISTER on December 14, 1972 (37 FR 26628).

Pursuant to the above notice the following service is added to procurement list 1973, March 12, 1973 (38 FR 6742).

SERVICE	
Industrial Class 7699: Typewriter Servicing, 26 Federal Plaza, New York, N.Y.	List of prices available from PMDS, region 2.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-12029 Filed 6-14-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19694, 19695; FCC 73R-213]

B.B.C., INC., AND KIDD COMMUNICATIONS, INC.

Memorandum Opinion and Order Enlarging Issues

In regard to applications of B.B.C., Inc., Reno, Nev., Kidd Communications, Inc., Reno, Nev., for construction permits, docket No. 19694, File No. BPH-7735; docket No. 19695, File No. BPH-7855.

1. The above-captioned mutually exclusive applications for authority to construct an FM broadcast station in Reno, Nev., were designated for hearing by Commission Order, FCC 73-209, 38 FR 5936, published March 5, 1973. The Review Board has before it a motion to enlarge issues, filed by B.B.C., Inc. (BBC) on March 20, 1973, requesting addition of site availability, maintenance of public file (§ 1.526), § 1.65 and misrepresentation issues with respect to the application of Kidd Communications, Inc. (Kidd).[1]

2. *Site availability.*—BBC charges that although Kidd indicated in its application that it will utilize the transmitter site and tower of standard broadcast station KBET, it never obtained permission to use that site. In support, BBC submits a statement from the owner-manager of KBET in which he states that, although he informally discussed the use of the site with Chris Kidd, the applicant's largest stockholder, he never authorized Kidd to "use it in his application." The Broadcast Bureau supports the addition of an issue, citing Salem Broadcasting Co., Inc., 40 FCC 2d 458, 26 RR 2d 1565 (1973). Kidd, in opposition concedes the unavailability of the site, but alleges that it was Chris Kidd's understanding from conversations with the owner-manager of station KBET that the site would be available. Kidd represents that, having been advised that the site is not available, it is now in the process of locating a new site and will file an appropriate amendment when such a site is obtained. Since no amendment has been filed and acted upon by

[1] Also before the Board are the following related pleadings: Comments filed April 4, 1973, by the Broadcast Bureau; and an opposition and an affidavit in support thereof, filed by Kidd on April 9, and April 11, 1973, respectively.

the persiding judge, the Review Board is constrained to add a site availability issue.

3. *Maintenance of public file.*—BBC argues that Kidd violated the requirements of section 1.526 of the Commission's rules by failing to have a file available for public inspection at the designated offices of its local attorney. BBC attaches a statement signed by Kidd's local attorney and dated November 28, 1972, which relates that the file was returned to Kidd at its request some 60 days prior to the date of the statement. In light of the custodian's statement, and in the absence of information to the contrary, the Broadcast Bureau supports the addition of an issue. Kidd opposes the instant request and attaches a statement from its local attorney who states that Chris Kidd removed the application for purposes of amendment and duplication; that in late November, 1972, he (the attorney) gave a letter (attached to BBC's motion) to a lady; and that within a matter of days the application was returned to his office. Kidd asserts that no requests for inspection of the application were made, other than the inquiry "apparently made on behalf of BBC", and that since it had no intention of removing the file from public accessibility and stood ready to make available its application, no issue is warranted.

4. The Board is of the view that a § 1.526 issue is warranted in light of Kidd's acknowledgment that the file was not available at the specified location. The absence of requests for inspection of the application and readiness to provide the application should such a request have been made, do not vitiate the prescription of § 1.526 of the rules. However, we have no reason to doubt Kidd's assertion that there was no intent to conceal information from the public, the application was returned to the specified location shortly after the request to see it was made, no prejudice has been alleged or shown, and the violation appears to be an isolated instance. The issue being specified will therefore be limited to the comparative qualifications of Kidd. WIOO, Inc., 37 FCC 2d 342, 25 RR 2d 312 (1972) and cases cited therein.

5. *Section 1.65.*—BBC requests the addition of a § 1.65 (candor) issue with respect to the circumstances surrounding the unavailability of the transmitter and tower site and the failure to maintain a public file at the specified location, and, in addition, requests a § 1.65, issue based on the following two allegations: (1) That on February 22, 1973, Kidd petitioned for leave to amend its application to reflect the withdrawal of Mrs. Betty Hamlin, a 12.2 percent stockholder of Kidd,[2] the withdrawal having occurred more than 30 days prior to the filing of the petition; and (2) that Chris Kidd failed to inform the Commission of a judgment rendered against him in a local county court. The Broadcast Bureau, opposes the addition of an issue on the grounds that: (1) The February 22 amendment constitutes substantial compliance with the requirements of § 1.65, and, in any event, does not concern matters of sufficient decisional significance; and (2) the allegation concerning the judgment against Chris Kidd is unsupported by an affidavit as required by § 1.229(c) of the rules; nor is there attached to the request a certified copy of the judgment.

6. Kidd, in opposition, urges that the February 22 amendment is in substantial compliance with § 1.65 and that an issue is therefore unwarranted. Kidd submits three reasons for not reporting the local judgment for alleged damage to an apartment: the judgment totalled approximately $300 plus attorney's fees and was, therefore, de minimis; $250 has already been garnished from Kidd's wages; and the judgment is presently under appeal.

7. The Review Board will not add the requested § 1.65 issues. First, there are no facts alleged which indicate a lack of candor with respect to the unavailability of the transmitter site and tower or with respect to Kidd's failure to maintain a public file at the specified location for a period of some 2 months. The Board agrees with the Bureau and Kidd that the amendment reflecting the withdrawal of a stockholder of Kidd was in substantial compliance with § 1.65 of the rules. The failure to report the local judgment against Kidd, while not a practice to be condoned, does not in our opinion constitute a serious and flagrant omission warranting an issue, especially in light of the facts that the amount of the judgment was de minimis and has been substantially satisfied by garnishment proceedings, and that there is no allegation that the law suit or underlying conduct could have any significance in this proceeding.

8. *Misrepresentation.*—BBC argues that the circumstances surrounding the unavailability of the transmitter site and tower and the failure to maintain a public file at the designated location warrant evidentiary inquiry as to whether Kidd misrepresented relevant facts to the Commission. The Broadcast Bureau supports the addition of an issue with respect to representations concerning the transmitter and tower site in the absence of a satisfactory explanation, citing WIOO, Inc., 39 FCC 2d 856, 26 RR 2d 1059 (1973). The Board will not add the requested issues because there is nothing in the pleadings which would compel us to disbelieve Kidd's assertion that, at worst, the situation is one of misunderstanding rather than misrepresentation. Kidd states that discussions with the owner-manager of Station KBET gave rise to an honest and sincere belief that the site would be available; the statement of the owner of the property indicates that such discussion did take place; and the owner does not state that he told Kidd at that time that the property was unavailable. Under these circumstances, we believe that while Kidd's understanding was mistaken, BBC has failed to establish any concerted effort by Kidd to mislead the Commission. Compare Lake Erie Broadcasting Co., 31 FCC 2d 45, 22 RR 2d 647 (1971). Finally, the request for a misrepresentation issue with respect to the failure to maintain a public file at a specified location is also unsupported and equally without merit.

9. *Accordingly, it is ordered,* That the motion to enlarge issues, filed March 20, 1973, by B.B.C., Inc., is granted to the extent indicated herein, and is denied in all other respects; and

10. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether the transmitter and antenna site specified by Kidd Communications, Inc., is available to it;

(b) To determine whether Kidd Communications, Inc., has maintained its public file at the location specified by it as required by § 1.526 of the Commission's rules, and, if not, the effect on its comparative qualifications to be a Commission licensee.

11. *It is further ordered,* That the burden of going forward and of proof under issue (a) specified above shall be upon Kidd Communications, Inc.

Adopted June 5, 1973.

Released June 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-11952 Filed 6-14-73;8:45 am]

[Docket Nos. 19767, 19768]

CITY OF KIRKSVILLE, MO., AND HORIZON AIRWAYS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard to application of city of Kirksville, Mo., docket No. 19762, File No. 117-A-L-53; Dr. Arnold S. Barber, d.b.a. Horizon Airways, Inc., Kirksville, Mo., docket No. 19768, File No. 43-A-L-43; for aeronautical advisory station to serve Clarence Cannon Memorial Airport, Kirksville, Mo.

1. The Commission's rules (§ 87.251(a) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at Clarence Cannon Memorial Airport, Kirksville, Mo., and therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein, each applicant is otherwise qualified.

2. In view of the foregoing: *it is ordered,* That, pursuant to the provisions of section 309(e) of the Communications Act of

[2] No opposition was filed and the amendment was accepted by order of the presiding judge, FCC 73M-388, released March 27, 1973.

[3] Board member Berkemeyer dissenting and voting to add a misrepresentation issue. Board member Nelson absent.

1934, as amended, and § 0.331(b)(21) of the Commission rules the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in section 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard, the city of Kirksville, Mo., and Dr. Arnold S. Barber, d.b.a. Horizon Airways, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted June 8, 1973.

Released June 12, 1973.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.73-11953 Filed 6-14-73;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

JUNE 8, 1973.

In accordance with Public Law 92-463, Federal Advisory Committee Act, the following is a listing of June meetings of the Radio Technical Commission for Marine Services (RTCM):

Special Committee No. 64, "MF, HF, and VHF Maritime Radioteleprinter and Data Systems and Operations," 36th meeting. Tuesday, June 19, 1973 at 9:30 a.m. (all day meeting). Conference room 205, 1229 20th Street NW., Washington, D.C.

Principal agenda items:

a. Report on MarAd developmental program for a digital selective calling system.

b. Preparation of comments on FCC notice of inquiry for 1974 maritime conference (FCC docket No. 19325).

c. Discussion of direct printing and data systems.

Chairman, SC-64, H. T. Blaker, Collins Radio Co., Arlington, Va. 22209. Phone: 703-524-9503.

Special Committee No. 66, "Receiver Standards for the Maritime Mobile Service," 12th meeting. Wednesday, June 20, 1973 at 9 a.m. (all day meeting). Conference room 205, 1229 20th Street NW., Washington, D.C.

Principal agenda items:

a. Revision of MMS-R1, "Minimum Standards for VHF Receivers in the Maritime Mobile Service" to include the effect of multiple receivers.

b. Consideration of modifications to MMS-R1 to develop standards for portable VHF receivers.

c. Preparation of recommendations applicable to CCIR study group 8, draft report (AC/8).

Chairman, SC-66, H. R. Smith, ITT Mackay Marine, 441 U.S. Highway No. 1, Elizabeth, N.J. 07202. Phone: 201-527-0300.

Special Committee No. 65, "Ship Radar," 23d meeting. Wednesday, June 20, 1973 at 1:30 p.m. Conference room 621, 1919 M Street NW., Washington, D.C.

Principal agenda items:

a. Progress reports of working groups on collision avoidance, basic radar specifications, transponders, and reliability.

b. Status reports on other working groups and associated activities.

c. Report on RTCM assembly meeting at Seattle, April 25-27.

Chairman, SC-65, Irvin Hurwitz, Federal Communications Commission, Washington, D.C. 20554. Phone: 202-632-7197.

RTCM executive committee, Thursday, June 20, 1973 at 1:45 p.m. Conference room 847, 1919 M Street NW., Washington, D.C.

Principal agenda items:

a. Progress reports on currently active committees.

b. Status reports on other committees.

c. Approval of new membership application.

d. Discussion on application of Federal Advisory Committee Act (Public Law 92-463) as relating to RTCM.

e. Report on April 1-3, 1974, St. Petersburg, Fla., assembly meeting.

f. Approval of comments to FCC third notice of inquiry, docket No. 19325. Preparation for the [1974 maritime WARC].

Agendas, working papers, and other appropriate documentation for each committee meeting are available at that meeting. Those desiring more specific information may contact either the designated committee chairman or the RTCM secretariat. Phone: 202-632-6490.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by special committees and the final reports are approved by the RTCM executive committee. All RTCM meetings are open to the public.

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

[FR Doc.73-11955 Filed 6-14-73;8:45 am]

STEERING COMMITTEE OF THE FEDERAL/STATE-LOCAL ADVISORY COMMITTEE

Notice of Meeting

JUNE 11, 1973.

The Steering Committee of Federal/State-Local Advisory Committee will hold an open meeting on June 18, 1973, at 1 p.m. The meeting will be held in the Anaheim Convention Center in Anaheim, Calif. The agenda of the meeting will include the discussion of language of part 1 of the final report.

There will also be an open meeting of the Federal/State-Local Advisory Steering Committee on June 29, 1973. This meeting will be from 9 a.m. to 3 p.m. in room 6331, 2025 M Street NW., Washington, D.C. The agenda of this meeting will include a final discussion of part 1 and a discussion of part 2 of the final report.

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

[FR Doc.73-11954 Filed 6-14-73;8:45 am]

FEDERAL MARITIME COMMISSION

MATSON TERMINALS, INC., AND PACIFIC FAR EAST 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 July 5, 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:

Peter P. Wilson, Esq., counsel, Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

Agreement No. T-2801, between Matson Terminals, Inc. (Matson), and Pacific Far East Line, Inc. (PFEL), is a container terminal services agreement under which Matson will provide: (1) Adequate berthing space; (2) adequate container yard space; (3) container gantry cranes; (4) container freight station services; and (5) comprehensive terminal services for PFEL vessels calling at Honolulu, Hawaii. Compensation for the above services is to be as agreed upon and filed with the Federal Maritime Commission. The agreement stipulates that PFEL will obtain the above services solely from Matson when calling at the Port of Honolulu.

Dated June 11, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-11948 Filed 6-14-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

ALABAMA

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Alabama, dated June 1, 1973, and published June 7, 1973 (38 FR 14987), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 29, 1973.

The counties of:

Cullman	St. Clair
Perry	Talladega

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated June 11, 1973.

ELMER F. BENNETT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-11941 Filed 6-14-73;8:45 am]

GEORGIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on June 11, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Georgia from severe storms and tornadoes, beginning about May 28, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Georgia. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606), I hereby appoint Mr. Joe D. Winkle, Acting Regional Director, OEP Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that act for this disaster.

I do hereby determine the following areas in the State of Georgia to have been adversely affected by this declared major disaster.

The county of:

Clarke

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated June 12, 1973.

ELMER F. BENNETT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-11942 Filed 6-14-73;8:45 am]

NEW MEXICO

Amendment to Notice of Major Disaster

Notice of major disaster for the State of New Mexico, dated May 15, 1973, and published May 21, 1973 (38 FR 13401), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 11, 1973.

The counties of:

Rio Arriba	Santa Fe

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated June 11, 1973.

ELMER F. BENNETT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-11943 Filed 6-14-73;8:45 am]

POSTAL RATE COMMISSION

POSTAL FACILITIES

Notice of Visits

JUNE 13, 1973.

In furtherance of the Postal Rate Commission's training program noticed in the FEDERAL REGISTER on September 20, 1972 (37 FR 19404), Commissioners will be visiting the Los Angeles post office and associated facilities in the Los Angeles area Friday, June 22 through Monday, June 25, 1973.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed. A report on the visit will be on file in the Commission's docket room.

By Direction of the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.73-12045 Filed 6-14-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 992]

ARKANSAS

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major disaster area following severe storms and tornadoes beginning on or about May 26, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from tornado victims in the following counties: Crawford, Craighead, Jackson and Poinsett.

Applications may be filed at the:

Small Business Administration, District Office, 600 West Capital Avenue, Little Rock, Ark. 72201.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than July 31, 1973.

Dated June 5, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-11919 Filed 6-14-73;8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI73-299, etc.]

PROPOSED RATE CHANGES

Order Providing for Hearings on and Suspension of Proposed Changes; and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 8, 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.

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 regula-

[1] Does not consolidate for hearing or dispose of the several matters herein.

tions pertaining thereto (18 CFR, ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per thousand cubic feet[1] Rate in effect	Cents per thousand cubic feet[1] Proposed increased rate	Rate in effect subject to refund in docket No.
[2] RI73-299	Shell Oil Co.	16	17	El Paso Natural Gas Co. (Monahans Field, Ward and Winkler Counties, Tex., Permian Basin).	$4,816	5-14-73		8- 2-73	19.3278	19.8364	RI73-17.
	do	17	26	do	3,956	5-14-73		8- 2-73	18.3105	18.8191	RI73-17
	do	18	20	El Paso Natural Gas Co. (Ratliff Bedford Field, Andrews County, Tex., Permian Basin).	6,479	5-14-73		8- 2-73	18.3105	18.8191	RI73-17
	do	19	23	El Paso Natural Gas Co. (TXL Plant, Ector and Winkler Counties, Tex., Permian Basin).	48,131	5-14-73		8- 2-73	18.200	18.706	RI73-17.
	do	20	26	El Paso Natural Gas Co. (Wasson Plant, Yoakum and Gaines Counties, Tex., Permian Basin).	175,719	5-14-73		8- 2-73	18.2	18.706	RI73-17.
	do	34	21	El Paso Natural Gas Co. (Langmat Field, Lea County, N. Mex., Permian Basin).	1,373	5-14-73		8- 2-73	[3] 18.9901	19.9483	RI73-17.
	do	134	22	El Paso Natural Gas Co. (University Block 9, Andrews County, Tex., Permian Basin).	2,955	5-14-73		8- 2-73	17.8019	18.3180	RI73-11.
RI73-300	Exxon Corp.	438	11	Northern Natural Gas Co. (Northeast Oates Field, Pecos County, Tex., Permian Basin).	[4] 148,809	5-14-73		7-27-73	[3] [4] 16.6823	[3] [4] 17.5656	RI72-129.
	do			do	[4] 8,829	5-14-73		7-27-73	[3] [4] 9.0036	[3] [4] 9.6069	RI72-129.
RI73-301	Shell Oil Co.	40	16	El Paso Natural Gas Co. (Tubb-Blinebry Field, Lea County, N. Mex.) (Permian Basin).	476	5-14-73		8- 2-73	[5] [7] 19.4368	[5] [7] 19.9483	RI73-17.
	do	41	29	do	25,038	5-14-73		8- 2-73	[5] [7] 19.4368	[5] [7] 19.9483	RI73-11.
	do	142	21	El Paso Natural Gas Co. (Spraberry Trend Field, Reagan County, Tex.) (Permian Basin).	1,893	5-14-73		1- 1-74	[7] 20.8536	[7] 21.3622	RI73-11.
	do	273	13	El Paso Natural Gas Co. (Yucca Butte Field, Pecos and Terrell Counties, Tex.) (Permian Basin).	$6,806	5-14-73		8- 2-73	[7] [8] 19.3277	[7] [8] 19.8364	RI73-11.
	do	305	12	El Paso Natural Gas Co. (South Andrews Field, Andrew County, Tex.) (Permian Basin).	1,378	5-14-73		8- 2-73	[7] 17.8019	[7] 18.3105	RI73-11.
	do	341	10	El Paso Natural Gas Co. (Tubb-Blinebry Field, Lea County, N. Mex.) (Permian Basin).	476	5-14-73		8- 2-73	[5] [7] 19.4368	[5] [7] 19.9483	RI73-11.
	do	356	5	Northern Natural Gas Co. (Northeast Oates, Pecos County, Tex.) (Permian Basin).	14,423	5-14-73		8- 2-73	[7] [8] 14.7069	[7] [8] 17.5656	RI71-237.
RI73-302	J. M. Huber Corp.	84	[10] 3	Mountain Fuel Supply Co. (South Baggs Area, Carbon County, Wyo., and Moffat County, Colo., Uinta-Green River Basin).		5- 9-73	6- 9-73	[11] Accepted			
	do		[12] 4	do	6,516	5- 9-73		11- 9-73	[13] [14] 22.25	[11] [13] [14] 26.75	
RI73-303	Mobil Oil Corp.	484	2	El Paso Natural Gas Co. (Papoose Canyon Field, Dolores County, Colo., San Juan Basin).	3,109	5-14-73		12-26-73	[14] [15] 25.0	[14] [15] 25.50	RI73-34.

[1] Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[2] Includes 0.4467c/M ft³ compression charge.
[3] Includes quality adjustments.
[4] Devonian Formation gas.
[5] Ellenburger Formation gas.
[6] Subject to compression charge of 0.4467c/M ft³ for low pressure gas.
[7] Tax reimbursement may be adjusted downward due to possible cost deductions taken before payments of production taxes.
[8] Rate reduced 1.848c/M ft³ for British thermal unit adjustment.
[9] Subject to downward British thermal unit adjustment below 975 Btu/ft³.
[10] Contract agreement.
[11] Increase to area ceiling rate pursuant to area rate clause plus 3c/M ft³ payment by buyer for gathering line.
[12] Applicable only to gas from wells drilled after Feb. 1, 1972.
[13] Subject to downward British thermal unit adjustment from 985 Btu/ft³.
[14] Subject to British thermal unit adjustment from 1,000 Btu/ft³.
[15] Accepted to be effective on the date shown in the "Effective date" column.
[16] The pressure base is 15.025 lb/in²a.

The proposed rate increase of J. M. Huber Corp. to 23.75 cents, the area ceiling rate, pursuant to an area rate clause, plus the 3 cents provided for in the agreement for a total rate of 26.75c/M ft³ exceeds the ceiling rate. It is therefore suspended for 5 months. Additionally, Huber is advised that a rate decrease will be required at such time the buyer ceases payment of the 3c/M ft³ as reimbursement for the gathering line.

The proposed increases of Shell Oil Co. under supplement No. 21 to its FPC gas rate schedule No. 142, J. M. Huber Corp. under supplement No. 4 to its FPC gas rate schedule No. 84, and Mobil Oil Corp. under FPC gas rate schedule No. 484, exceed the rate limit for a 1-day suspension, and, are, therefore, suspended for 5 months from the expiration of the 30-day-statutory-notice period or the contractual effective date, whichever is later.

The remaining proposed increases do not exceed the rate limit for a 1-day suspension and are suspended for 1 day from the expiration of the 60-day-notice period or 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, chap. I, pt. 2, sec. 2.56).

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.11881 Filed 6–14–73;8:45 am]

[Docket No. G–7193, etc.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE, AND PETITIONS TO AMEND CERTIFICATES[1]

List of Applicants

JUNE 7, 1973.

Take notice that each of the applicants listed herein has filed an applica-

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

tion or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per thousand cubic feet	Pressure base
G-7103 ..... (G-4560) 5-22-73(C) (F)	Union Oil Co. of California (successor to Cities Service Oil Co.) P.O. Box 7600, Los Angeles, Calif. 90051.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	23.5	14.65
G-10386 ..... E 5-10-73	Dotson & Ledlow, Inc. (successor to Austral Oil Co., Inc., and Oil Participations, Inc.) 701 East Bayou Parkway, Lafayette, La. 70501.	Michigan Wisconsin Pipe Line Co., Chenier Perdue Field, Cameron Parish, La.	[1] 24.23	15.025
CI64-619 ..... E 5-14-73	Burk Royalty Co., Tom Darling and Jon Bear (successor to Cities Service Oil Co.) 800 Oil & Gas Bldg., Wichita Falls, Tex. 76301.	Tennessee Gas Pipeline Co., Garden Island Bay Field, Plaquemines, Parish, La.	[2] 21.25	15.025
CI66-779 ..... D 4-30-73	R & G Drilling Co., Inc., 1775 Broadway, New York, N.Y. 10019.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	Uneconomic	
CI68-1023 ..... D 5-14-73	William C. Russell, 1775 Broadway, New York, N.Y. 10019.	do	Uneconomic	
CI73-203 ..... B 5-7-73[3]	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex. 79105.	Texas Eastern Transmission Corp., South Bird Island Field, Kleberg Couhty, Tex.	Depleted	
CI73-784 ..... B 5-16-73	Blake Hamman, Continental Life Bldg., Fort Worth, Tex. 76102.	Natural Gas Pipe Line Co. of America, acreage in Jack County, Tex.	Salt water encroachment	
CI73-787 ..... (G-18014) F 5-14-73	Burk Royalty Co., Tom Darling and Jon Bear (successor to Cities Service Oil Co.).	Texas Eastern Transmission Corp., Old Waverly Field, San Jacinto County, Tex.	[2] 15.065	14.65
CI73-788 ..... (G-5303) F 5-14-73	First National Oil, Inc., (successor to Skelly Oil Co.), 23 East 11th St., Liberal, Kans. 67901.	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Seward County, Kans.	[4] 12.0	14.65
CI73-789 ..... (CI61-1642) F 5-10-73	Amoco Production Co. (successor to Continental Oil Co.), P.O. Box 591, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	[4] 20.8336	14.65
CI73-790 ..... (CI60-20) F 5-14-73	Burk Royalty Co., Tom Darling and Jon Bear (successor to Cities Service Oil Co.), 800 Oil and Gas Bldg., Wichita Falls, Tex. 76301.	Southern Natural Gas Co., Fausse Point Field, Iberia and St. Martin Parishes, La.	[4] 22.6406	15.025
CI73-791 ..... (CI66-441) B 5-14-73	D. D. Harrington et al., P.O. Box 189, Amarillo, Tex. 79105.	Natural Gas Pipeline Co. of America, Harrington Field, Texas County, Okla.	Depleted	
CI73-792 ..... (G-4579) F 5-14-73	Burk Royalty Co., Tom Darling and Jon Bear (successor to Cities Service Oil Co.).	Trunkline Gas Co., Ramsey Field Area, Colorado County, Tex.	15.065	14.65
CI73-793 ..... (CI66-813) F 5-14-73	Burk Royalty Co., Jon Bear and Tom Darling (successor to Cities Service Oil Co.).	Texas Eastern Transmission Corp., North Panther Reef Field, Calhoun County, Tex.	[2] 16.07	14.65
CI73-794 5-14-73	McCulloch Oil Corp., 10880 Wilshire Blvd., Los Angeles, Calif. 90024.	Natural Gas Pipeline Co. of America, Erick Field, Beckham County, Okla.		
F (CI67-1631)	(Successor to Ashland Oil, Inc.)	do	[7] 16.0	14.65
F (CI67-1637)	(Successor to Hudson-Ohio Oil Co. and W. E. Robertson).	do	[7] 16.0	14.65

[1] Subject to upward British thermal unit adjustment.
[2] Subject to downward British thermal unit adjustment.
[3] Applicant has pending an application for a certificate in this docket.
[4] Including British thermal unit adjustment.
[5] Including upward British thermal unit adjustment and 0.3226c/M ft³ tax reimbursement.
[6] Including 0.2656c/M ft³ tax reimbursement and subject to downward British thermal unit adjustment.
[7] Subject to upward and downward British thermal unit adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.73-11831 Filed 6-14-73;8:45 am]

[Docket No. G-2629 et al.]

PHILLIPS PETROLEUM CO. ET AL.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity; Amending Orders Issuing Certificates, Terminating Certificates, Making Successors Co-respondent, Accepting Rate Schedules for Filing

JUNE 6, 1973.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, add, or discontinue in part natural gas services in interstate commerce as indicated in the tabulation herein.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention, or protests to the granting of the applications and petitions have been filed.

At a hearing held on May 30, 1973, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds

(1) Each applicant herein is a "natural gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sale of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public

convenience and necessity, and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) It is necessary and apropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing or redesignated as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates for sales authorized herein to be continued under new or amended certificates should be amended by deleting therefrom authorization to sell gas.

The Commission orders

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of part 154 or part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in various dockets are amended by adding thereto or deleting therefrom authorization to sell natural gas or by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) Applicants in the dockets indicated shall charge and collect the following rates, subject to British-thermal-unit adjustment where applicable:

Docket No.	Rate (cents per thousand cubic feet)	Pressure base (pounds per square inch absolute)
G-2629, G-8324 and G-7924	[1] 27.0	14.65
G-18243	23.5	14.65
CI72-642	[1] 24.5	14.65
CI72-678	[1] 26.5	14.65
CI72-709	23.75	15.025
CI72-753	[2] 17.4556	14.65
CI72-818	23.75	15.025
CI73-69	21.315	14.65
CI73-70	22.0	15.025
CI73-118	32.0	15.325
CI73-162	[1] 27.0	14.65
CI73-200	[4] 27.0	14.65
CI73-210	21.315	14.65
CI73-215	19.5972	14.65
CI73-216	[3] 17.3081	14.65
	[4] 19.0	14.65
CI73-233	21.315	14.65
CI73-268	18.77	14.65
CI73-276	21.315	14.65
CI73-345	23.75	15.025

[1] Subject to prospective modification upon the conclusion of the proceeding in docket No. AR70-1 et al.
[2] Subject to refund upon the conclusion of the proceeding in docket No. AR70-1 et al.
[3] From May 2, 1971, to Oct. 21, 1972.
[4] On or after Oct. 22, 1972 (subject to appropriate adjustment for quality).

(F) On or before September 11, 1973, applicants in dockets Nos. G-11089 and CI72-311 shall each file three copies of a rate schedule quality statement in the form prescribed in Opinions Nos. 595 and 607, respectively.

(G) On or before September 11, 1973, applicants in dockets Nos. G-2629, G-8324, G-7924, CI72-642, CI72-678, and CI72-753 shall file rate schedule quality statements in the form prescribed in Opinion No. 468-A, as supplements to its rate schedules.

(H) On or before September 11, 1973, applicants in dockets Nos. G-18243, CI63-1125, CI72-864, CI73-159, CI73-212, CI73-215, CI73-232, CI73-235, CI73-236, CI73-245, CI73-254, CI73-265, CI73-268, CI73-280, CI73-294, CI73-295, CI73-297, and CI73-355 shall each file three copies of a rate schedule quality statement in the form prescribed in Opinions Nos. 586, 595, 598, and 607, as applicable.

(I) The certificates and certificate authorization granted in dockets Nos. G-11089, G-18243, CI63-1125, CI72-864, CI72-311, CI73-159, CI73-212, CI73-215, CI73-232, CI73-235, CI73-236, CI73-245, CI73-265, CI73-268, CI73-280, CI73-294, CI73-295, CI73-297, and CI73-355 are subject to the Commission's findings and orders accompanying Opinions Nos. 586, 586-A, 595, 595-A, 598, 598-A, 607, and 607-A, as applicable. If the quality of the gas deviates at any time from the quality standards set forth in the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in British-thermal-unit content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(J) Docket No. CI73-306, which was erroneously assigned to the filings in dockets Nos. G-3058 and CI67-1243, is canceled.

(K) Applicable in dockets Nos. CI72-818, CI73-162, CI73-276, and CI73-305 shall comply with § 2.71 of the Commission's general policy and interpretations with respect to the transportation of liquids and liquefiable hydrocarbons.

(L) The certificate issued in dockets Nos. CI66-618, CI73-130, and CI73-216 determines the rate which legally may be paid by the buyer to the seller but is without prejudice to any action which the Commission may take in a rate proceeding involving either of them.

(M) Orders issuing certificates in the following dockets are amended by deleting therefrom authorization to sell gas where said sales are authorized to be continued under new or amended certificates herein:

New certificate authorization docket No.:	*Amended certificate docket No.*
CI61-1405	G-11742
CI73-159	G-19412
CI73-215	CI64-1192
CI73-232	G-16207
CI73-235	G-18484
CI72-236	G-10022
CI73-245	G-12220
CI73-254	CI63-805
CI73-268	G-17951
CI73-294	CI68-539
CI73-295	CI66-262
CI73-296	CI67-607
CI73-297	CI69-608
CI73-298	CI63-1539
CI73-304	CI69-829
CI73-355	CI64-836
CI73-385	CI64-913
CI73-400	CI71-215

(N) Exchange Oil & Gas Corp., certificate holder in docket No. CI67-805, shall release to its partial successor in interest, Clinton Oil Co., certificate holder in docket No. CI72-864, that portion of the moneys collected subject to refund which is attributable to the interest of Clinton and for which Clinton has filed refund assurance with the Commission.

(O) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein. Where the effective date is the date of initial delivery, applicant shall advise the Commission of said date within 10 days thereof.

(P) Applicants in the following dockets are made corespondents in their predecessors' rate proceedings and said proceedings are redesignated accordingly:

Successor's certificate docket No.:	Rate proceeding docket No.
G-3058	RI70-178
CI67-1243	RI69-148
CI73-297	RI71-638
CI73-298	RI69-324
CI73-304	RI71-638
CI73-385	RI69-374
CI73-400	RI71-621

Applicants shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [2]		
			Description and date of document	No.	Supp.
G-2629, G-8334, and G-9724 C 8-28-72 [3]	Phillips Petroleum Co. (Operator).	Northern Natural Gas Co., Spraberry, Benedum, and Andrews Plants, Midland, Upton, and Andrews Counties, Tex.	Supplemental Agreement 8-2-72.	18	67
G-3068 E 10-25-72 [4]	A. F. Roberts, Jr. et al.	El Paso Natural Gas Co., Northwest Todd Field, Crockett County, Tex.	Signal Oil & Gas Co. (Operator) et al., FPC gas rate schedule No. 12 and supplements Nos. 1-7 thereto.	2	1-7
			Notice of succession 10-26-72.		
			Assignment [4] 5-16-72 (Effective date: 7-1-72) [5]	2	8
G-10022 [6]	Amoco Production Co. (Operator) et al.	Columbia Gas Transmission Corp., South Thornwell Field, Jefferson Davis and Cameron Parishes, La.	Assignment 12-31-69 [7] (Effective date: 1-3-72) [5]	190	35
G-11089 E 11-30-72	CRA International, Inc.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Hagist Ranch Field, Duval County, Tex.	Contract 4-15-49	[8] 5	
			Agreement 11-23-49	5	1
			Ratification agreement 12-1-50.	5	2
			Ratification agreement 3-14-52. (Effective date: 6-7-56)	5	3
			Notice of change 12-1-54 (Effective date: 12-1-54)	5	4
			Notice of change 12-1-54 (Effective date: 1-1-55)	5	5
			Assignment 9-1-55 (Effective date: 9-1-55)	5	6
			Amendment 11-1-71	5	7
			Ratification agreement 3-1-72. (Effective date: Date of this order).	5	8
			Assignment 7-1-72 [9]	5	9
G-11742 D 10-2-72 [9]	Mobil Oil Corp. (Operator).	Cities Service Gas Co., Hugoton Field, Grant County, Kans.	Amendment 8-31-72 [10] (Effective date: Date of this order).	3	41
G-16207 [6]	Amoco Production Co. (Operator) et al.	Transcontinental Gas Pipe Line Corp., Cooke Field, La Salle County, Tex.	Amendment 12-31-69 [7] (Effective date: 1-3-72) [5]	253	5
G-18243 C 10-19-72 [11]	Sun Oil Co.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	Amendment 9-15-72 [12]	105	13

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [2]		
			Description and date of document	No.	Supp.
G-18484 [6]	Amoco Production Co.	Transcontinental Gas Pipe Line Corp., Stuart Field, La Salle County, Tex.	Assignment 12-31-69 (Effective date: 1-3-72) [5]	254	3
CI61-1405 C 10-2-72	Mobil Oil Corp. (Operator) et al.	Cities Service Gas Co., Hugoton (Deep) Field, Grant County, Kans.	Amendment 8-31-72 [13 14]	262	12
CI63-1125 F 8-14-72	Gulf Oil Corp.	Arkansas Louisiana Gas Co., Southeast Lacy Field, Kingfisher County, Okla.	Ratification 2-10-61 [3]	254	13
			Supplemental Agreement 5-26-65 [3]	254	14
			Assignment 2-4-72 [3 15] (Effective date: 1-1-72) [3]	254	15
CI65-842 C 8-17-72	Humble Oil & Refining Co. (Operator) et al. [16]	Trunkline Gas Co., Kelsey et al., Fields, Brooks, Starr, and Hidalgo Counties, Tex.	Amendment 5-3-72 [3]	373	6
CI66-618 E 12-14-72 [17]	Oil Resources, Inc.	Grant Valley Transmission Co., Moon Ridge and Segundo Canyon Areas, Grand County, Utah.	Pacific Lighting Exploration Co. (Operator) et al., FPC gas rate schedule No. 2 and supplemental No. 1 thereto.	2	
				2	1
			Notice of succession 12-13-72.		
			Assignment [18] (undated) (Effective date: 8-30-72) [3]	2	2
CI67-1243 E 10-25-72 [3]	A. F. Roberts, Jr. et al.	El Paso Natural Gas Co., Northwest Todd Field, Crockett County, Tex.	Signal Oil & Gas Co. (Operator) et al., FPC gas rate schedule No. 13 and supplement Nos. 1-3 thereto.	3	
				3	1-2
			Notice of succession 10-26-72.		
			Assignment 5-16-72 [4] (Effective date: 7-1-72) [5]	3	3
CI72-567 A 3-10-72 [3]	Champlin Petroleum Co.	Mountain Fuel Supply Co., Jackknife Springs Area, Sweetwater County, Wyo.	Contract 9-27-71	125	
CI72-642 A 4-5-72 [3]	Anadarko Production Co.	Northern Natural Gas Co., South Eunice, San Andres Pool, Lea County, N. Mex.	Contract 3-14-72	179	
CI72-678 A 4-21-72 [3]	Suburban Propane Gas Corp. (Operator) et al.	Northern Natural Gas Co., Ozona Field, Crockett County, Tex.	Contract 4-3-72	20	
CI72-697 A 4-27-72 [3]	Terra Resources, Inc.	Montana-Dakota Utilities Co., Poison Creek Field, Fremont County, Wyo.	Contract 3-1-72	33	
CI72-709 A 5-4-72 [3]	Cities Service Oil Co.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Antelope Field, Sweetwater County, Wyo.	Contract 4-10-72	386	
CI72-738 A 5-17-72 [3]	Amoco Production Co.	do	Contract 5-4-72	382	
CI72-753 F 5-19-72 [3]	Sohio Petroleum Co (Operator) et al.	El Paso Natural Gas Co., Eumont (Queen) Field, Lea County, N. Mex.	Contract 9-26-53 [19]	158	
			Letter agreement 12-15-53	158	1
			Letter agreement 1-15-58	158	2
			Letter agreement 6-29-58	158	3
			Letter agreement 8-6-59	158	4
			Letter agreement 10-26-59	158	5
			Amendatory agreement 10-26-59.	158	6
			Letter agreement 11-30-59	158	7
			Amendatory agreement 3-15-63.	158	8
			Amendatory agreement 9-15-65.	158	9
			Letter agreement 4-1-69	158	10
			Letter agreement 2-9-70	158	11
			Assignment 4-14-72 [20]	158	12

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [2]		
			Description and date of document	No.	Supp.
CI73-208..... A 5-24-72 [1]	Champlin Petroleum Co...	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Black Butte Field, Sweetwater County, Wyo.	Contract 2-8-72.....	127	.....
CI73-818..... A 6-9-72 [1]	Anadarko Production Co..	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Antelope Field, Sweetwater County, Wyo.	Contract 5-9-72.....	180	.....
			Letter agreement 5-9-72...	180	1
			Advance payment agreement 5-9-72.	180	2
CI73-864..... F 6-29-72	Clinton Oil Co.....	Michigan Wisconsin Pipe Line Co., West Cameron Block 47 Field, Offshore Louisiana.	Contract 11-23-66 [3].....	104	.....
			Assignment 9-2-69 [3].....	104	1
			Assignment 9-2-69 [3].....	104	2
			Assignment 10-1-69 [3].....	104	3
			(Effective date: 6-1-69) [1].....		
CI73-68..... A 7-21-72	Texas Pacific Oil Co., Inc.	Arkansas Louisiana Gas Co., West Wilburton Field, Pittsburg County, Okla.	Contract 6-7-72 [1].....	107	.....
CI73-69..... A 7-21-72 [3]	Champlin Petroleum Co...	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Laverne Field, Harper County, Okla.	Contract 6-26-72 [1].....	128	.....
CI73-70..... A 7-21-72 [1] [3]	Sun Oil Co.....	El Paso Natural Gas Co., Gallegos Canyon Field, San Juan County, N. Mex.	Contract 7-10-72.....	812	.....
CI73-118..... A 8-21-72 [1] [3]	Cities Service Oil Co.....	Consolidated Gas Supply Corp., Sandy River District, McDowell County, W. Va.	Contract 7-18-72.....	391	.....
CI73-130..... A 8-24-72 [1] [3]	Mountain Petroleum Ltd., et al.	Kansas-Nebraska Natural Gas Co., Inc., Beecher Island Area, Yuma County, Colo.	Contract 6-3-72.....	1	.....
			Letter agreement 7-14-72...	1	1
CI73-137..... A 8-25-72 [1]	The Superior Oil Co.....	McCulloch Interstate Gas Corp., Bear Creek Unit, Converse County, Wyo.	Contract 7-25-72 [3].....	158	.....
CI73-159..... F 8-30-72	Texas Oil & Gas Corp.....	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Odem Field, San Patricio County, Tex.	Ratification 2-9-68 [3].....	106	.....
			Contract 7-17-69.....	106	1
			Assignment 11-2-67 [3].....	106	2
			Assignment 11-3-67 [3].....	106	3
			(Effective date: 7-1-67) [1].....		
CI73-162..... A 9-5-72	Midwest Oil Corp.....	Northern Natural Gas Co., Gomez Field, Pecos County, Tex.	Contract 8-23-72 [1].....	66	.....
CI73-200..... A 9-18-72	do.....	Northern Natural Gas Co., Davidson Ranch Area, Crockett County, Tex.	Contract 8-21-72 [1].....	67	.....
CI73-210..... A 9-21-72	Texas Oil & Gas Corp.....	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Laverne Field, Harper County, Okla.	Contract 8-23-72.....	104	.....
CI73-212..... A 9-22-72	Stephens Production Co. (Operator) et al.	Arkansas Louisiana Gas Co., Kinta Field, Le Flore and Sequoyah Counties, Okla.	Contract 8-25-72 [1].....	11	.....
CI73-215..... F 9-21-72 [3]	S.S.C. Gas Producing Co.	United Gas Pipe Line Co., Strauch-Wilcox Field, Bee County, Tex.	Contract 6-17-46 [3].....	3	.....
			Supplement 6-17-46.....	3	1
			Amendment 11-12-46.....	3	2
			Amendment 2-14-47.....	3	3
			Amendment 11-12-47.....	3	4
			Amendment 12-31-48.....	3	5
			Amendment 12-31-48.....	3	6
			Letter 9-9-53.....	3	7
			Partial release 7-25-55.....	3	8
			Letter agreement 2-1-65.....	3	9
			Letter agreement 4-15-69...	3	10
			Letter agreement 4-25-69...	3	11
			Amendment 1-20-71.....	3	12
			Assignment 6-1-72 [3].....	3	13
			(Effective date: 6-1-72) [1].....		
CI73-216..... 9-25-72 [3,5] [4]	Tenneco Oil Co.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Hagist Ranch Field, Duval County, Tex.	Ratification 8-28-72.....	284	.....
			Contract 4-18-49 [3].....	284	1
			Amendment 11-1-71 [3].....	284	2
			(Effective date: 5-2-71) [3].....		
			(Effective date: 10-22-72).....		
CI73-232..... F 10-2-72	Clinton Oil Co.....	Transcontinental Gas Pipe Line Corp., Cooke Field, La Salle County, Tex.	Contract 8-7-58 [3].....	118	.....
			Letter agreement 4-26-63...	118	1
			Notice of change 7-9-63....	118	2
			Amendment 5-16-66.....	118	3
			Amendment 5-30-71.....	118	4
			Assignment 12-31-69 [1].....	118	5
			(Effective date: 1-3-72) [1].....		
CI73-233..... A 10-2-72	Texas Oil & Gas Corp.....	Northern Natural Gas Co., Northwest Cedardale Field, Woodward County, Okla.	Contract 9-15-72.....	105	.....
CI73-235..... F 10-4-72	Clinton Oil Co.....	Transcontinental Gas Pipe Line Corp., Stuart City Field, La Salle County, Tex.	Contract 2-10-59 [3].....	119	.....
			Notice of change 7-18-63...	119	1
			Amendment 5-16-66.....	119	2
			Assignment 12-31-69 [1].....	119	3
			(Effective date: 1-3-72) [1].....		
CI73-236..... F 10-4-72	do.....	Columbia Gas Transmission Corp., South Thornwell Field, Jefferson Davis and Cameron Parishes, La.	Contract 2-3-58 [3].....	120	.....
			Letter agreement 3-23-60...	120	1
			Letter agreement 1-4-62....	120	2
			Letter agreement 9-30-64...	120	3
			Sublease 4-20-67.....	120	4
			Letter agreement 6-22-71...	120	5
			Notice of change 8-31-71...	120	6
			Quality statement 10-6-71.	120	7
			Assignment 12-31-69 [1].....	120	8
			(Effective date: 1-3-72) [1].....		
CI73-245..... F 9-29-72	Graham-Michaelis Corp. (agent).	Northern Natural Gas Co., Pleasant Valley Field, Ford County, Kans.	Contract 2-6-57 [3].....	1	.....
			Assignment 1-24-72 [3].....	1	1
			(Effective date: 1-1-72) [1].....		
CI73-254..... F 10-10-72	Clinton Oil Co.....	Northern Natural Gas Co., South Bechthold Field, Lipscomb County, Tex.	Contract 11-5-62 [3].....	128	.....
			Agreement 4-19-63.....	128	1
			Assignment 12-31-69 [3].....	128	2
			(Effective date: 12-31-69) [1].....		

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [2] Description and date of document	No.	Supp.
CI73-305..... F 10-10-72	Getty Oil Co.....	Texas Gas Transmission Corp., Calhoun Field, Ouachita, Lincoln, and Jackson Parishes, La.	Contract 1-30-61 [C].....	201	.....
			Contract 3-14-61.....	201	1
			Letter agreement 12-21-61..	201	2
			Assignment 5-1-72 [D].....	201	3
			(Effective date: 5-1-72) [3].....		
CI73-308..... F 10-10-72	Amoco Production Co....	Transwestern Pipeline Co., South Goodwin Field, Ellis County, Okla.	Contract 12-3-58 [G].....	595	.....
			Letter agreement 3-4-59....	595	1
			Letter agreement 11-20-59..	595	2
			Letter agreement 2-22-60...	595	3
			Letter agreement 9-25-63...	595	4
			Assignment 3-9-72 [H].....	595	5
			(Effective date: 1-1-72) [3].....		
CI73-276..... A 10-16-72 [E]	Ashland Oil, Inc.....	Michigan Wisconsin Pipe Line Co., North Chester Field, Major County, Okla.	Contract 9-21-72 [1].....	235	.....
CI73-280..... F 10-16-72	Amoco Production Co....	Northern Natural Gas Co., Mocane-Laverne Gas Area, Beaver County, Okla.	Contract 12-21-66 [H].....	598	.....
			Agreement 6-13-68.....	598	1
			Letter agreement 7-15-68...	598	2
			Letter agreement 7-25-68...	598	3
			Assignment 8-21-72 [H].....	598	4
			(Effective date: 8-1-72) [3].....		
CI73-294..... F 10-24-72	Clinton Oil Co.....	Trunkline Gas Co., Southwest Lake Arthur Field, Cameron Parish, La.	Contract 9-1-67 [H].....	121	.....
			Assignment 12-31-69 [H]....	121	1
			Supplement 9-30-71.....	121	2
			(Effective date: 1-3-72) [3].....		
			Supplement undated [H].....	121	3
			(Effective date: 8-1-72) [C].....		4
			Supplement undated [H].....	121	4
			(Effective date: 9-1-72) [C].....		
CI73-295..... F 10-24-72	do.....	Michigan Wisconsin Pipe Line Co., Calcasieu Lake Dome Field, Cameron Parish, La.	Contract 7-1-65 [H].....	122	.....
			Assignment 12-31-69 [H]....	122	1
			Supplement 7-29-71.....	122	2
			(Effective date: 1-3-72) [3].....		
			Supplement undated [H].....	122	3
			(Effective date: 8-1-72) [C].....		
			Supplement undated [H].....	122	4
			(Effective date: 9-1-72) [C].....		
CI73-296..... F 10-24-72	do.....	Mountain Fuel Supply Co., Powder Wash Field, Moffat County, Colo.	Contract 10-25-66 [H].....	123	.....
			Assignment 12-31-69 [H]....	123	1
			(Effective date: 1-3-72) [3].....		
CI73-297..... F 10-25-72	do.....	Transcontinental Gas Pipe Line Corp., Johnson Bayou Field, Cameron Parish, La.	Contract 11-8-66 [H].....	124	.....
			Amendatory agreement 7-1-69.	124	1
			Supplement 11-14-69.....	124	2
			Assignment 12-31-69 [H]....	124	3
			Supplement 11-17-70.....	124	4
			(Effective date: 1-3-72) [3].....		
			Supplement undated [H].....	124	5
			(Effective date: 8-1-72) [C].....		
			Supplement undated [H].....	124	6
			(Effective date: 9-1-72) [C].....		
CI73-298..... F 10-25-72	do.....	El Paso Natural Gas Co., Bisti Lower Gallup Field, San Juan County, N. Mex.	Contract 8-22-58 [G] [H].....	125	.....
			Assignment 9-28-62 [H].....	125	1
			Supplement 11-21-62.....	125	2
			Assignment 12-31-69.....	125	3
			(Effective date: 1-3-72) [3].....		
CI73-304..... F 10-25-72	do.....	Michigan Wisconsin Pipe Line Co., Boston Bayou Field, Vermilion Parish, La.	Contract 11-1-68 [H] [J].....	126	.....
			Ratification 11-1-68.....	126	1
			Supplement 7-8-69.....	126	2
			Supplement 11-17-70.....	126	3
			Supplement 10-7-71.....	126	4
			Assignment 12-31-69.....	126	5
			(Effective date: 1-3-72) [3].....		
			Supplement undated [H].....	126	6
			(Effective date: 8-1-72) [C].....		
			Supplement undated [H].....	126	7
			(Effective date: 9-1-72) [C].....		
CI73-305..... A 10-27-72	Monsanto Co.....	Transwestern Pipeline Co., South Vici Field, Dewey County, Okla.	Contract 10-20-72 [1].....	104	.....
CI73-311..... F 9-24-72 [K]	Mobil Oil Corp.....	Arkansas Louisiana Gas Co., Arkoma Area, Yell & Logan Counties, Ark.	Letter agreement 10-4-72 [C] (Effective date: date of this order).	479	4
CI73-345..... A 11-13-72	Amoco Production Co....	Western Transmission Corp., Deep Creek Field, Carbon County, Wyo.	Contract 10-2-72.....	596	.....
			Letter agreement 10-2-72...	596	1
			do.....	596	2
CI73-355..... F 11-10-72	LVO Corp.....	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	Contract 11-7-63 [H].....	47	.....
			Supplemental agreement 1-7-65.	47	1
			Assignment 7-3-72 [H].....	47	2
			(Effective date: 7-1-72) [4].....		
CI73-385..... F 12-1-72	Clinton Oil Co.....	Southern Union Gathering Co., Basin Dakota Field, San Juan County, N. Mex.	Contract 7-1-63 [H].....	127	.....
			Supplement 11-21-68.....	127	1
			Assignment 12-31-69.....	127	2
			(Effective date: 1-3-72) [4].....		
CI73-400..... F 12-4-72	do.....	do.....	Contract 7-21-59 [H].....	129	.....
			Assignment 12-31-69 [H]....	129	1
			Supplement 3-11-70.....	129	2
			Supplement 12-29-70.....	129	3
			(Effective date: 1-3-72) [3].....		

[1] Previously accepted for filing by letter order issuing temporary authorization.
[2] Where no effective date is shown, it is the date of initial delivery.
[3] Docket No. CI73-306, which was erroneously assigned to this filing is being cancelled.
[4] From Signal et al., to A. F. Roberts, Jr. et al.
[5] Effective date of transfer of producing properties.
[6] No certificate filing required. 18 CFR 2.84.
[7] Transfers acreage from Amoco to Clinton Oil Co., whose filing to reflect acquisition of the acreage is included in this tabulation.
[8] Previously The Jupiter Corp. FPC gas rate schedule No. 6 supplements Nos. 1 through 8.
[9] Mobil's filing to add the formations deleted herein to its' FPC gas rate schedule No. 262 and the related certificate in docket No. C161-1405 is included in this tabulation.
[10] Deletes formations above sea level and below base of the Chase.
[11] By letter dated Nov. 10, 1972, Applicant agreed to accept permanent certificate at 23.5 cents.
[12] Amends contract by adding a new price schedule and tax reimbursement and extends coverage down to the base to the Travis Peak formation.
[13] Dedicates sales of gas-well-gas and casinghead gas above sea level and below base of the Chase to the basic contract. Gas-well-gas sales were previously covered by Mobil's FPC gas rate schedule No. 3 and its certificate in docket No. G-11742.
[14] Date of initial delivery for casinghead sales; date of Commission authorization for sales previously dedicated.
[15] From Union Oil Co. of California to applicant.
[16] Now Exxon Corp.
[17] Applicant owns 49 percent of buyer.
[18] From Pacific Lighting Exploration Co. et al., to applicant.
[19] Acreage acquired from Claude E. Aikman who has a small producer certificate in docket No. CS66-63.
[20] From Aikman to applicant.
[21] Contract between Exchange Oil & Gas Corp. et al., and buyer, currently designated as Exchange Oil & Gas Corp. (Operator) et al., FPC gas rate schedule No. 5
[22] Transfers acreage from Oil & Gas Futures, Inc., and W. O. Heinze to Clinton.
[23] Transfers acreage from Oil & Gas Futures, Inc., to Clinton.
[24] Transfers acreage from North Central Oil Corp. to Clinton.
[25] Applicant agreed to accept a permanent certificate at 23.315 cents, subject to British thermal unit adjustment.
[26] Applicant agreed to accept a permanent certificate similar to the temporary certificate.
[27] Midland Gas Corp., a wholly owned subsidiary of the buyer, is a limited partner in Mountain Petroleum, Ltd.
[28] Limited to gas produced from the Muddy formation.
[29] Ratifies contract dated July 17, 1959, between Kirkwood & Morgan, Inc., and buyer, currently designated as Kirkwood & Morgan, Inc. (Operator) et al., FPC gas rate schedule No. 4.
[30] Transfers acreage from Kirkwood & Morgan to M. J. Browne.
[31] Transfers acreage from M. J. Browne to Texas Oil & Gas Corp.
[32] Applicant agreed to accept a permanent certificate at 19.5072 cents, subject to British thermal unit adjustment.
[33] Between Union Producing Co. (now Pennzoil Producing Co.) et al., and United; also on file as Pennzoil's FPC gas rate schedule No. 252.
[34] From Pennzoil et al., to S.S.C. Gas Producing Co.
[35] Application for certificate to cover interest formerly covered by a small producer, Ralph E. Fair, Inc., who has a small producer certificate in docket No. CS71-760.
[36] Buyer and seller are affiliated in that they are Divisions of Tenneco Inc.
[37] Contract between Ralph E. Fair, Inc., et al., and Tennessee, previously designated as Ralph E. Fair, Inc. (Operator) et al., FPC gas rate schedule No. 1.
[38] Extends contract term an additional 12 years and amends pricing provisions to provide for a rate of 24.25 ¢/Mcf from Nov. 1, 1971 to Nov. 1, 1973 with 1 cent periodic increase every 4 years thereafter.
[39] Effective date of the small producer certificate.
[40] Contract between Amoco Production Co. and buyer, currently designated as Amoco Production Co. (Operator) et al., FPC gas rate schedule No. 253.
[41] Contract between Amoco Production Co. and buyer, currently on file as Amoco Production Co. FPC gas rate schedule No. 254.

[a] Contract between Amoco Production Co. and buyer, currently on file as Amoco Production Co. (Operator) et al., FPC gas rate schedule No. 190.
[b] Currently on file as Skelly Oil Co. FPC gas rate schedule No. 114.
[c] From Skelly Oil Co. to Graham-Michaelis Drilling Co.
[d] Currently on file as Amoco Production Co. FPC gas rate schedule No. 306.
[e] From Pan American Petroleum Corp. (now Amoco Production Co.) to Applicant.
[f] Formerly on file as John Franks et al., FPC gas rate sheedule No. 3, which was canceled when small producer certificate was issued.
[g] From John Franks et al., to applicant.
[h] Currently on file as Getty Oil Co. FPC gas rate schedule No. 27.
[i] From Getty Oil Co. to applicant and other parties. Applicant filing to cover sales from its own interst.
[j] Applicant agreed to accept a permanent certificate at 21.315 cents, subject to British thermal unit adjustment.
[k] Formerly on file as Reading and Bates, Inc. (Operator) et al., FPC gas rate schedule No. 4 which was canceled when small producer certificate was issued.
[l] From Reading and Bates, Inc., to applicant.
[m] Also on file as Amoco Production Co. FPC gas rate schedule No. 503.
[n] From Amoco to applicant.
[o] Reflects change in tax reimbursement.
[p] Date predecessor's tax change filing became effective.
[q] Also on file as Amoco Production Co. FPC gas rate schedule No. 424.
[r] Also on file as Amoco Production Co. FPC gas rate schedule No. 456.
[s] Also on file as Amoco Production Co. FPC gas rate schedule No. 524.
[t] Also on file as Amoco Production Co. FPC gas rate schedule No. 382.
[u] Between Brookhaven Oil Co. and El Paso Natural Gas Co.
[v] From Brookhaven to Amoco.
[w] Also on file as Amoco Production Co. FPC gas rate schedule No. 531.
[x] Between Homa Oil & Gas Co. et al., and American Louisiana Pipe Line Co. (predecessor of Michigan-Wisconsin) as buyer.
[y] Letter agreement dated Oct. 4, 1972, dedicating acreage acquired from Midwest Oil Corp. to Mobil's contract submitted Oct. 27, 1972.
[z] Assignment from Midwest Oil Corp. to applicant also submitted.
[aa] Currently on file as The Superior Oil Co. FPC gas rate schedule No. 111.
[ab] From The Superior Oil Co. to applicant.
[ac] Also on file as Amoco Production Co. FPC gas rate schedule No. 396.
[ad] Also on file as Amoco Production Co. (Operator) et al., FPC gas rate schedule No. 549.

[FR Doc.73-11833 Filed 6-14-73;8:45 am]

[Docket No. CP73-320]

DELHI GAS PIPELINE CORP.

Notice of Application

JUNE 8, 1973.

Take notice that on May 30, 1973, Delhi Gas Pipeline Corp. (Applicant), Fidelity Union Tower Building, Dallas, Tex. 75201, filed in docket No. CP73-320 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas to Texas Eastern Transmission Corp. at one point in Victoria County, Tex., and at three points in Wharton County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22) and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 6,000 M ft³ of gas per day at 45 cents per million Btu's at 14.65 lb/in²a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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.73-11872 Filed 6-14-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 273]

ASSIGNMENT OF HEARINGS

JUNE 11, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-20783 sub 88, Tompkins Motor Lines, Inc., now assigned July 23, 1973, will be held in the Department of Labor conference room, 908 South 20th Street, Birmingham, Ala.

MC-F-11748, Coastal Industries, Inc.—Control—P.B. Mutrie Motor Transportation, Inc., FD-27401 Coastal Industries, Inc., now assigned June 26, 1973, at Washington, D.C., is postponed indefinitely.

MC 107515 sub 805, Refrigerated Transport Co., Inc., now being assigned hearing September 11, 1973 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 119789 sub 152, Caravan Refrigerated Cargo, Inc., now being assigned hearing September 13, 1973 (1 day), at Los Angeles, Calif., in a hearing room to be later designated.

No. 35789, *Sydney Libson* v. *The Penn Central Transportation Company*, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, now assigned June 25, 1973, at New York, N.Y., is cancelled and reassigned to conference room A, 11th Floor, Federal Building, 1421 Cherry Street, Philadelphia, Pa., same date and time.

AB-71 Baltimore & Annapolis Railroad Co., abandonment of operations between Clifford Junction, Baltimore City, and Annapolis, in Baltimore and Anne Arundel Counties, Md., and No. 35735, *Publication Corp.* v. *The Baltimore & Annapolis Railroad Co.*, now assigned July 10, 1973, will be held in U.S. Customs courtroom, room 707-709, Appraisers Stores Building, Gay and Lombard Streets, Baltimore, Md.

MC-C-7878, Transcon Lines—Investigation and revocation of certificates now being assigned hearing September 14, 1973 (1 day), at Los Angeles, Calif., in a hearing room to be later designated.

MC 113855 sub 267, International Transport, Inc., now being assigned hearing September 17, 1973 (1 week), at Los Angeles, Calif., in a hearing room to be later designated.

MC 71459 sub 29, O.N.C. Freight Systems, now being assigned hearing September 24, 1973 (1 week), at Los Angeles, Calif., in a hearing room to be later designated.

W-406 sub 11, Ohio Barge Line, Inc., now being assigned hearing October 15, 1973, at Pittsburgh, Pa., in a hearing room to be later designated.

W-406 sub 11, Ohio Barge Line, Inc., now being assigned hearing December 10, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7901, North American Van Lines, Inc.—Investigation and revocation of certificates, now assigned July 9, 1973, at Chicago, Ill., is cancelled and reassigned July 9, 1973, at auxiliary courtroom, U.S. Courthouse and Federal Building, 1300 South Harrison Street, Fort Wayne, Ind.; July 16, 1973, at courtroom 1665, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Ill.; August 6, 1973, at courtroom 2021, Federal Building, 450 Golden Gate Avenue, San Francisco, Calif.; August 13, 1973, at courtroom 8544, 300 North Los Angeles Street, Los Angeles, Calif.

AB–1 sub 9, Chicago and North Western Transportation Company, abandonment between Wren, Iowa, and Iroquois, S. Dak., in Sioux and Plymouth Counties, Iowa, and Union, Lincoln, Turner, McCook, Miner, and Kingsbury Counties, S. Dak., continued to July 17, 1973 (1 day), in the courtroom, McCook County circuit, Salem, S. Dak., July 18, 1973 (1 day), at the city library, Hawarden, S. Dak., and July 19, 1973 (2 days), at the V.F.W., Legion meeting room, Beresford, S. Dak.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–11970 Filed 6–14–73;8:45 am]

[Notice 274]

ASSIGNMENT OF HEARINGS

JUNE 12, 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.

AB–10 sub 3, Norfolk & Western Railway Co., abandonment between Abingdon, Va., and West Jefferson, N.C., in Washington, and Grayson Counties, Va., and Ashe County, N.C., is continued to June 26, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 106497 sub 74, Parkhill Truck Co., continued to July 31, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC–135772, Barrett Transfer & Storage Co., now being assigned continued hearing August 6, 1973 (1 week), at Seattle, Wash., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–11971 Filed 6–14–73;8:45 am]

[Ex Parte No. 241; Exemption No. 43]

ATCHISON, TOPEKA, & SANTA FE RAILWAY CO., ET AL.

Exemption Under Provision of the Mandatory Car Service Rules

To: Atchison, Topeka, & Santa Fe Railway Co., Chicago, Rock Island & Pacific Railroad Co., Fort Worth & Denver Railway Co., Missouri-Kansas-Texas Railroad Co., Missouri Pacific Railroad Co., and St. Louis-San Francisco Railway Co.

It appearing, that there is a massive harvest of wheat in progress in the States of Oklahoma and Texas; that present supplies of plain boxcars owned by the railroads serving these States are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by car service rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located in Oklahoma or Texas when loaded into plain 40-foot narrow-door boxcars of various ownerships without regard to the requirements of car service rule 2.

Exceptions.—This exemption shall not apply to plain boxcars subject to Association of American Railroads Car Relocation Directive No. 44.

Effective 12:01 a.m., June 7, 1973.

Expires 11:59 p.m., June 21, 1973.

Issued at Washington, D.C., June 7, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73–11973 Filed 6–14–73;8:45 am]

[Notice 295]

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, pt. 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 July 5, 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–74312. By order of June 5, 1973, the Motor Carrier Board approved the transfer to Allied Underwriters, Inc., doing business as Scenic Trails, La Crosse, Wis., of the operating rights in certificate No. MC–81592 (sub-No. 2), and a portion of the operating rights in certificate No. MC–81592 (sub-No. 4), issued March 16, 1970 and April 12, 1967 respectively to Frederick A. Zank, doing business as Wisconsin Northern Transportation Co., Eau Claire, Wis., authorizing the transportation of passengers over regular routes between specified points in Wisconsin and Minnesota.

No. MC–FC–74439. By order of June 8, 1973, the Motor Carrier Board approved the transfer to Wayne M. Robarge, Rice Lake, Wis., of the operating rights in certificate No. MC–29834 issued November 20, 1972, to Keith Stodola and Cecil Stodola, a partnership, doing business as Stodola Bros., Trucking, Sarona, Wis., authorizing the transportation of livestock, from points in the towns of Cedar Lake, Doyle, Oak Grove, Bear Lake, Stanford, Stanley, Sumner, and Rice Lake, Barron County, Wis., to South St. Paul and Newport, Minn.; and general commodities, with exceptions, from Minneapolis, St. Paul, South St. Paul, and Newport, Minn., to the above-named origin points. F. H. Koeger, 2288 University Avenue, St. Paul, Minn. 55114, Representative for applicants.

No. MC–FC–74500. By order of June 7, 1973, the Motor Carrier Board approved the transfer to Harry H. Long Moving-Storage & Express, Inc., Appleton, Wis., of the operating rights in Certificates No. MC–60887 and MC–60887 (sub-No. 3) issued April 22, 1960, and October 19, 1971, to Mrs. Harry H. Long, doing business as Harry H. Long Moving & Storage, Appleton, Wis., authorizing the transportation of general and specified commodities from, to and between specified points and areas in Wisconsin, Illinois, Minnesota, Indiana, Iowa, Kansas, Michigan, Missouri, New York, North Dakota, Ohio, and Pennsylvania. Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, Wis. 53203, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–11972 Filed 6–14–73;8:45 am]

[Notice 78]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 11, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no signficant effect on the quality of the human environment resulting from approval of its application, for temporary authority under sections 210a(a) and 311(a) of the Interstate Commerce Act provide for under the new rules of Ex Parte No. MC–67 (49 CFR pt. 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 July 2, 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 217 (sub-No. 14 TA), filed June 4, 1973. Applicant: POINT TRANSFER, INC., P.O. Box 1441, Station C, 5075 Navarre Road SW., Canton, Ohio 44708. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantside of United States Steel Corp., located at or near Clairton, Duquesne, Dravosburg, McKeesport, Homestead, and West Mifflin, Allegheny County, Pa.; Ellwood City, Lawrence County, Pa.; and Vandergrift, Westmoreland County, Pa., to points in Michigan, for 180 days. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC-2253 (sub-No. 58 TA), filed June 4, 1973. Applicant: CAROLINA FREIGHT CARRIERS CORP., Highway 150 East, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose acetate flake*, in bulk, from Celriver, S.C., to Rome, Ga., for 180 days. Supporting shipper: Celanese Corp., 245 Park Avenue, New York, N.Y. 10017. Send protests to: District Supervisor Terrell Price, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 14277 (sub-No. 2 TA), filed June 1, 1973. Applicant: CHICAGO-AURORA MOTOR SERVICE, INC., P.O. Box 31, Aurora, Ill. 60507. Applicant's representative: Carl I. Jackson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete and masonry building products, frames, tools, machinery, component parts, related articles* used in the manufacturing or transportation of masonry or precast products, between Aurora, Ill., and Milwaukee, Wis., for 180 days. Supporting shipper: James K. Armbruster, president, Masonry Systems of Illinois, 1200 Plain Avenue, Aurora, Ill. Send protests to: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 19917 (sub-No. 2 TA), filed June 1, 1973. Applicant: E. R. JARRELL, 1422 Smallman Street, Pittsburgh, Pa. 15222. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products*, from the plantsites or storage facilities of the H. J. Heinz Co., located in Allegheny County, Pa., to North Billerica, Mass., under a contract with H. J. Heinz Co., for 180 days. Supporting shipper: H. J. Heinz Co., P.O. Box 57, Pittsburgh, Pa. 15230. 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 20491 (sub-No. 9 TA), filed May 29, 1973. Applicant: SOL COHEN & SONS, INC., P.O. Box 141, 1208 Channing Road, Far Rockaway, N.Y. 11690. Applicant's representative: Arthur Liberstein, 1 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage and personal effects of campers*, during the season extending from June 1 to October 1, inclusive, of each year, between points in Fairfield County, Conn.; New York, N.Y.; and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Florida, and the District of Columbia, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Pennsylvania, Massachusetts, Connecticut, and New York, for 150 days. Supporting shippers: There are approximately 10 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: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

NOTE.—Applicant may interline with other carriers at New York, N.Y.

No. MC 20783 (sub-No. 90 TA), filed June 4, 1973. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Highway 77, Gadsden, Ala. 35902. Applicant's representative: Morris Bishop, 601–09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, in mechanically refrigerated equipment, from Nashville, Tenn., to points in that part of Alabama, on and east of U.S. Highway 31 and those in Florida, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Standard Candy Co., 443 Second Avenue, North (P.O. Box 1364), Nashville, Tenn. 37202. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 814–2121 Building, Birmingham, Ala. 35203.

No. MC 37523 (sub-No. 7 TA), filed May 25, 1973. Applicant: GENE McGINNIS, d.b.a. FREDONIA TRUCK LINE, P.O. Box 325, Fredonia, Kans. 66736. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed mill feeds or dry feed ingredients*, from points in Wilson County, Kans., to points in Missouri, Arkansas, Oklahoma, and Texas (with exception of Brazoria, Chambers, Ft. Bend, Galveston, Harris, Liberty, Montgomery, and Wallace Counties, Tex.), for 180 days. Supporting shipper: Archer Daniels Midland Co., 209 West Adams, Box 558, Fredonia, Kans. 66736, and Fredonia Dehydrating and Milling Co,. P.O. Box 208, Fredonia, Kans. 66736. Send protests to: E. M. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 45764 (sub-No. 17 TA), filed May 31, 1973. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway and Saville Avenue, P.O. Box 38, Eddystone, Pa. 19013. Applicant's representative: Paul F. Sullivan, suite 711, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turbopower plant machinery and electrical equipment and materials and supplies* used in the installation thereof, between Wilmington, Del.; El Segundo, Calif.; Hartford and Windsor, Conn.; West Palm Beach, Fla.; Baltimore, Md.; Louisville, Ky.; Minneapolis and St. Cloud, Minn.; Berwick, Pa.; Portland and Salem, Oreg.; Brownsville, Houston and Laredo, Tex.; and Beloit, Wis.; Holbrook and New York, N.Y., for 180 days. Supporting shipper: Turbo Power & Marine Systems, Farmington, Conn. 06032. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, room 3228, 600 Arch Street, Philadelphia, Pa. 19107.

No. MC 48553 (sub-No. 1 TA), filed May 25, 1973. Applicant: BEN DEIKE TRANSFER & STORAGE, INC., 327–421 Poplar Street, Mankato, Minn. 56001. Applicant's representative: Richard D. Hayes, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects* as defined by the Interstate Commerce Commission, between Mankato, Minn., on the one hand, and, on the other, to, from, and between points in Blue Earth, Brown, Faribault, Freeborn, LeSueur, Nicollet, Rice, Sibley, Steele, Waseca, and Watonwan Counties, Minn., for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 74321 (sub-No. 80 TA), filed May 24, 1973. Applicant: B. F. WALKER,

INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Richard P. Kissinger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, trailer chasis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, containers, refuse bodies*, in initial truck-away and drive-away service, from Fort Worth, Tex., to points in Alabama, Arkansas, Arizona, Colorado, California, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, and Tennessee and (2) *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, containers, and refuse bodies*, in secondary truck-away and drive-away service, between points in Alabama, Arkansas, Arizona, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Hobbs Trailers, 609 North Main Street (P.O. Box 1568), Fort Worth, Tex. 76101. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 74321 (sub-No. 81 TA), filed May 24, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories*, from the plantsites of H. K. Porter Co., Inc., located at Wellsville, Hammondsville, and Irondale, Ohio, to points in Illinois, Indiana, and Kentucky, for 180 days. Supporting shipper: Refractories Division, H. K. Porter Co., Inc., 601 Grant Street, Pittsburgh, Pa. 15219. Send protests to: Roger L. Buchanan, 2022 Federal Building, Interstate Commerce Commission, Bureau of Operations, Denver, Colo. 80202.

No. MC 95540 (sub-No. 874 TA), filed May 25, 1973. Applicant: WATKINS MOTOR LINES, INC., 1120 W. Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Clyde W. Carver, suite 212, 2299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mountrie, Ga., to points in New Jersey, New York, Pennsylvania, Rhode Island, Connecticut, Delaware, Maryland, Massachusetts, and Virginia, for 180 days. Supporting shipper: Swift Fresh Meats Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 103051 (sub-No. 279 TA), filed June 4, 1973. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue North (P.O. Box 90408), Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, Fleet Transport Co., Inc., Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, from Carrollton, Ga., to Hanceville, Ala., for 180 days. Supporting shipper: Gold Kist, Inc., 3348 Peachtree Road, Atlanta, Ga. 303026 Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 106920 (sub-No. 50 TA), filed May 30, 1973. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, 122 East North Street, P.O. Box 717, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to Macon, Marshall, and Carrollton, Mo., for 180 days. Supporting shipper: Banquet Foods Corp. 515 Olive Street, St. Louis, Mo. 63101. Send protests to: District Supervisor, Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 313 Federal Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 110525 (sub-No. 1054 TA), filed May 25, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Owens-Corning Fiberglas Corp. at or near Valparaiso, Ind., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, and Texas, for 180 days. Supporting shipper: Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, room 1600, Philadelphia, Pa. 19102.

No. MC 110525 (sub-No. 1055 TA), filed May 31, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Kingsport, Tenn., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New York, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Tennessee Eastman Co., Division of Eastman Kodak Co., P.O. Box 511, Kingsport, Tenn. 37662. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, room 3238, 600 Arch Street, Philadelphia, Pa. 19107.

No. MC 124078 (sub-No. 550 TA), filed May 25, 1973. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulfate*, in bulk, in tank trucks, from Danville, Ill., to points in Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Tee-Pak, Inc., 2 North Riverside Plaza, Chicago, Ill. 60606 (W. L. Weart, registered practitioner). Send protests to: District Supervisor, John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 125375 (sub-No. 9 TA), filed May 25, 1973. Applicant: F. B. GUEST, doing business as F.B.G. TRANSPORT, Route No. 5, Box 95–A, Covington, Ga. 30209. Applicant's representative: Monty Schumacher, suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30329. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, for the account of Borden, Inc., from Watertown, N.Y., to the warehouse facilities of Winn-Dixie Stores in Pompano Beach, Fla., for 180 days. Supporting shipper: Borden, Inc., 50 West Broad Street, Columbus, Ohio. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 138690 (sub-No. 1 TA), (correction), filed May 18, 1973, published in the FEDERAL REGISTER issue of June 5, 1973, and republished as corrected this issue. Applicant: MAIN-TRANSIT TAXI SERVICE, INC., 7088 Transit Road, Williamsville, N.Y. 14221. Applicant's representative: Robert D. Gunderman, Statler Hilton, suite 1708, Buffalo, N.Y. 14202.

NOTE.—The purpose of this partial republication is to show that applicant now seeks to operate as a *contract carrier* rather than a *common carrier*, which was published in error. The rest of the application remains the same.

* No. MC 138766 (sub-No. 1 TA), filed May 29, 1973. Applicant: THOMAS

JOHNSON, doing business as TEE JAY DELIVERY, 644 Chestnut Place, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knitwear*, (A) between the facilities of Lady Barbara at Carlstadt, N.J., on the one hand, and, on the other, New York, N.Y., and (B) between the facilities of Vargish Knitwear at Carlstadt, N.J., on the one hand, and, on the other, New York, N.Y., for 180 days. Supporting shipper: (1) Vargish Knitwear Co., 710 23d Street, Union City, N.J. 07087, and (2) Lady Barbara Knitting Mills, Inc., 130 Fifth Avenue, New York, N.Y. 10011. Send protests to: District Supervisor Robert E. Johnson, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

MOTOR CARRIERS OF PASSENGERS

No. MC 124370 (sub-No. 4 TA), filed May 29, 1973. Applicant: ACE TRANSPORTATION CO., INC., 1407 St. John Avenue, P.O. Box 328, Albert Lea, Minn. 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers and baggage of passengers in a separate vehicle, in round trip charter operations beginning and ending at points in Rice, Goodhue, Le Sueur, Wabasha, Steele, Dodge, Olmsted, Winona, Waseca, Mower, Freeborn, Fillmore, and Houston Counties, Minn., and extending to points in Wyoming and points on the international boundary line between the United States and Mexico, for 150 days. Supporting shipper: Pastor Ham Muus, director, The Crossroads Ministry of the Southeast Minnesota District, American Lutheran Church, 5328 Clinton Avenue South, Minneapolis, Minn. 55419. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 138717 (sub-No. 1 TA), filed June 4, 1973. Applicant: GULF SHORES CHARTER SERVICE, INC., P.O. Box "O," Gulf Shores, Ala. 36542. Applicant's representative: Harry J. Wilters, Jr., P.O. Box 968, Bay Minette, Ala. 36507. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in special bus operations, consisting of round trip sightseeing tours, originating at Gulf Shores, Ala., to points in Baldwin and Mobile Counties, Ala., and Escambia, Santa Rosa, and Okaloosa Counties, Fla., and (2) *Passengers and their baggage* in charter bus service, from Gulf Shores, Ala., to points in Alabama, Florida, Louisiana, and Mississippi, for 180 days. Supporting shipper: There are approximately 17 statements of support attached to the application, which may be examined 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: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 814, 2121 Building, Birmingham, Ala. 35203.

WATER CARRIERS OF PROPERTY

No. W-1265 (sub-No. 1 TA) (Correction), filed May 10, 1973, published in the FEDERAL REGISTER issue of May 31, 1973, and republished as corrected this issue. Applicant: BIGGE DRAYAGE CO., 10700 Bigge Avenue, San Leandro, Calif. 94577. Applicant's representative: Edward J. Hegarty, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to transport as a *contract carrier* by water, in interstate or foreign commerce: (1) *commodities* which by reason of their inherent nature, or their requirement for special equipment, are incapable of transportation between the points of origin and destination by either common carrier by rail or common carrier by motor vehicle and (2) *parts, materials, equipment and supplies* incidental to their operation or installation when moving with the commodities described in (1) above, from Long Beach, Calif., to Avila Beach, Calif., for 180 days. Supporting shipper: Pacific Gas and Electric Co., 77 Beale Street, San Francisco, Calif. 94105. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

NOTE.—The purpose of this republication is to add the origin point and destination which was omitted in previous publication.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-11976 Filed 6-14-73;8:45 am]

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FRIDAY, JUNE 15, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 115

PART II

ECONOMIC STABILIZATION

■

THE PRESIDENT

COST OF LIVING COUNCIL

DEPARTMENT OF COMMERCE

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11723

Further Providing for the Stabilization of the Economy

On January 11, 1973 I issued Executive Order 11695 which provided for establishment of Phase III of the Economic Stabilization Program. On April 30, 1973 the Congress enacted, and I signed into law, amendments to the Economic Stabilization Act of 1970 which extended for one year, until April 30, 1974, the legislative authority for carrying out the Economic Stabilization Program.

During Phase III, labor and management have contributed to our stabilization efforts through responsible collective bargaining. The American people look to labor and management to continue their constructive and cooperative contributions. Price behavior under Phase III has not been satisfactory, however. I have therefore determined to impose a comprehensive freeze for a maximum period of 60 days on the prices of all commodities and services offered for sale except the prices charged for raw agricultural products. I have determined that this action is necessary to stabilize the economy, reduce inflation, minimize unemployment, improve the Nation's competitive position in world trade and protect the purchasing power of the dollar, all in the context of sound fiscal management and effective monetary policies.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, particularly the Economic Stabilization Act of 1970, as amended, it is hereby ordered as follows:

SECTION 1. Effective 9:00 p.m., e.s.t., June 13, 1973, no seller may charge to any class of purchaser and no purchaser may pay a price for any commodity or service which exceeds the freeze price charged for the same or a similar commodity or service in transactions with the same class of purchaser during the freeze base period. This order shall be effective for a maximum period of 60 days from the date hereof, until 11:59 p.m., e.s.t., August 12, 1973. It is not unlawful to charge or pay a price less than the freeze price and lower prices are encouraged.

SEC. 2. Each seller shall prepare a list of freeze prices for all commodities and services which he sells and shall maintain a copy of that list available for public inspection, during normal business hours, at each place of business where such commodities or services are offered for sale. In addition, the calculations and supporting data upon which the list is based shall be maintained by the seller at the location where the pricing decisions reflected on the list are ordinarily made and shall be made

available on request to representatives of the Economic Stabilization Program.

SEC. 3. The provisions of this order shall not extend to the prices charged for raw agricultural products. The prices of processed agricultural products, however, are subject to the provisions of this order. For those agricultural products which are sold for ultimate consumption in their original unprocessed form, this provision applies after the first sale.

SEC. 4. The provisions of this order do not extend to (a) wages and salaries, which continue to be subject to the program established pursuant to Executive Order 11695 (b) interest and dividends, which continue to be subject to the program established by the Committee on Interest and Dividends and (c) rents which continue to be subject to controls only to the limited extent provided in Executive Order 11695.

SEC. 5. The Cost of Living Council shall develop and recommend to the President policies, mechanisms and procedures to achieve and maintain stability of prices and costs in a growing economy after the expiration of this freeze. To this end, it shall consult with representatives of agriculture, industry, labor, consumers and the public.

SEC. 6. (a) Executive Order 11695 continues to remain in full force and effect and the authority conferred by and pursuant to this order shall be in addition to the authority conferred by or pursuant to Executive Order 11695 including authority to grant exceptions and exemptions under appropriate standards issued pursuant to regulations.

(b) All powers and duties delegated to the Chairman of the Cost of Living Council by Executive Order 11695 for the purpose of carrying out the provisions of that order are hereby delegated to the Chairman of the Cost of Living Council for the purpose of carrying out the provisions of this order.

SEC. 7. Whoever willfully violates this order or any order or regulation continued or issued under authority of this order shall be subject to a fine of not more than $5,000 for each such violation. Whoever violates this order or any order or regulation continued or issued under authority of this order shall be subject to a civil penalty of not more than $2,500 for each such violation.

SEC. 8. For purposes of this Executive Order, the following definitions apply:

"Freeze price" means the highest price at or above which at least 10 percent of the commodities or services concerned were priced by the seller in transactions with the class of purchaser concerned during the freeze base period. In computing the freeze price, a seller may not exclude any temporary special sale, deal or allowance in effect during the freeze base period.

"Class of purchaser" means all those purchasers to whom a seller has charged a comparable price for comparable commodities or services

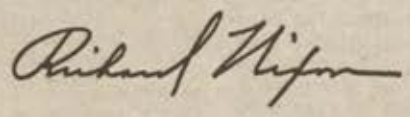
during the freeze base period pursuant to customary price differentials between those purchasers and other purchasers.

"Freeze base period" means

(a) the period June 1 to June 8, 1973; or

(b) in the case of a seller who had no transactions during that period, the nearest preceding seven-day period in which he had a transaction.

"Transaction" means an arms length sale between unrelated persons and is considered to occur at the time of shipment in the case of commodities and the time of performance in the case of services.



THE WHITE HOUSE,
June 13, 1973

NOTE: For the text of Presidential remarks of June 13, 1973, in connection with EO 11723, above, see Weekly Comp. of Pres. Docs., Vol. 9, No. 24, issue of June 18, 1973.

[FR Doc.73-12102 Filed 6-14-73;9:01 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Issuance of Remedial Orders: Procedures Governing Requests for Modification or Rescission

Part 140 is added to title 6, chapter 1, Code of Federal Regulations. This part sets forth price freeze regulations in accordance with the provisions of Executive Order No. 11723. In general, this part is in addition to the provisions of part 130 and chapter III (Price Commission Regulations) of this title with respect to prices charged or received for commodities and services beginning 9 p.m., e.s.t., June 13, 1973, for a maximum of 60 days. The provisions of this part do not extend to (i) wages and salaries, which continue to be subject to the program established pursuant to Executive Order 11695; (ii) interest and dividends, which continue to be subject to the program established by the Committee on Interest and Dividends and (iii) rents, which continue to be subject to controls only to the limited extent provided in Executive Order 11695.

This part does not apply to sales of meat subject to subpart M of part 130. In addition, this part does not affect the provisions regarding the filing of reports or the maintenance of records pursuant to part 130 or the renegotiation of construction contracts under subpart H of part 130.

Because the immediate implementation of Executive Order No. 11723 is required, and because the purpose of these regulations is to provide immediate guidance as to Cost of Living Council decisions, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20507.

These regulations are effective as of 9 p.m., e.s.t., June 13, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

Subpart A—General

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140.1 Purpose and scope.
140.2 Definitions.

Subpart B—Freeze Price Rules

140.10 General rule.
140.11 Sales of real property.
140.12 New commodities and services.
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140.20 General.
140.21 Reporting and recordkeeping under part 130 of this chapter.

Subpart D—Exemptions

140.30 General.
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140.40 Violations.
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140.42 Injunctions and other relief.

Subpart F—Administrative Sanctions

140.50 Purpose and scope.
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140.52 Issuance of notice of probable violation to begin proceedings.
140.53 Issuance of remedial orders to begin proceedings in unusual circumstances.
140.54 Reply.
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140.56 Who may request modification or rescission of an order issued under § 140.55.
140.57 Where to file.
140.58 When to file.
140.59 Content of request.
140.60 Preliminary processing by the District Director.

Subpart G—Compromise of Civil Penalties

140.70 Purpose and scope.
140.71 Notice of possible compromise of civil penalties.
140.72 Response to notice.
140.73 Acceptance of offer to compromise.
140.74 No compromise.

AUTHORITY.—Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat 27; and Executive Order 11723.

Subpart A—General

§ 140.1 Purpose and scope.

(a) The purpose of this part is to implement the provisions of Executive Order 11723 prescribing freeze prices for commodities and services. Except as provided in paragraph (b) of this section, the provisions of this part are in addition to the provisions of part 130 of this chapter with respect to prices charged or received for commodities and services beginning 9 p.m. e.s.t., June 13, 1973 for a maximum of 60 days and shall not operate to abrogate any requirements imposed under part 130. To the extent that the provisions of this part are in conflict with the provisions of part 130 of this chapter, the provisions of this part control, except that the provisions of this part shall not operate to permit prices higher than permitted under part 130 of this chapter. The provisions of this part do not extend to (1) wages and salaries, which continue to be subject to the program established pursuant to Executive Order 11695; (2) interest and dividends, which continue to be subject to the program established by the Committee on Interest and Dividends and (3) rents, which continue to be subject to controls only to the limited extent provided in Executive Order 11695.

(b) This part does not apply to sales of meat subject to subpart M of part 130 of this chapter.

(c) This part does not apply to economic transactions which are not prices within the meaning of the act as amended. Examples of transactions not within the meaning of the act are:

(1) State or local income, sales and real estate taxes;

(2) Workmen's compensation payments;

(3) Welfare payments;

(4) Child support payments; and

(5) Alimony payments.

(d) The Cost of Living Council may permit any exceptions or exemptions that it considers appropriate with respect to the requirements prescribed in this part. Requests for exceptions or exemptions from the requirements of this part shall be submitted in accordance with the provisions of part 105 of this chapter.

(e) This part applies to:

(i) Economic units and transactions in the several States and the District of Columbia; and

(ii) Sales of commodities and services by firms in the several States and the District of Columbia to firms in the Commonwealth of Puerto Rico.

§ 140.2 Definitions.

"Act" means the Economic Stabilization Act of 1970, as amended.

"Class of purchaser" means purchasers to whom a person has charged a comparable price for comparable property or service during the freeze base period pursuant to customary price differentials between those purchasers and other purchasers.

"Commodity" means an item of tangible personal property offered for sale or lease to another person or real property offered for sale.

"Council" means the Chairman of the Cost of Living Council established by Executive Order 11615 (3 CFR, 1971 Comp., p. 199) and continued under the provisions of Executive Order 11695, or his delegate.

"Customary price differential" includes a price distinction based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery.

"Exception" means a waiver directed to an individual firm in a particular case which relieves it from the requirements of a rule, regulation, or order issued pursuant to the act.

"Exemption" means a general waiver of the requirements of all rules, regulations, and orders issued pursuant to the act.

"Freeze base period" means

(a) The period June 1 to June 8, 1973; or

(b) In the case of a seller who had no transactions during that period, the nearest preceding 7-day period in which he had a transaction.

"Freeze price" means the highest price at or above which at least 10 percent of the commodities or services concerned were priced by the seller in transactions with the class of purchaser concerned

during the freeze base period. In computing the freeze price, a seller may not exclude any temporary special sale, deal, or allowance in effect during the freeze base period.

"Manufacturer" means a person who carries on the trade or business of making, fabricating, or assembling a product or commodity by manual labor or machinery for sale to another person, and also includes the mining of natural deposits, the production of refining of oil from wells, and the refining of ores, and whenever the Council considers it appropriate, also includes any manufacturing subsidiary, division, affiliate, or similar entity that is a part of, or is directly or indirectly controlled by another person.

"Person" includes any individual, trust, estate, partnership, association, company, firm, or corporation, a government, and any agency or instrumentality of a government.

"Price" means any compensation for the sale or lease of a commodity or service or a decrease in the quality of substantially the same commodity or service, except that it does not mean rental pursuant to a lease of real property.

"Retailer" means a person who carries on the trade or business of purchasing a commodity and, without substantially changing the form of that commodity, reselling it to ultimate consumers, and, whenever the Council considers it appropriate, includes any retailing subsidiary, division, affiliate, or similar entity that is a part of, or is directly or indirectly controlled by, another person.

"Sale" means any exchange, transfer, or other disposition in return for valuable consideration.

"Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"Service" includes any service performed by a person for another person, other than in an employment relationship, and also includes professional services of any kind and services performed by membership organizations for which dues are charged, and the leasing or licensing of a commodity to another person.

"Service organization" means a person who carries on the trade or business of selling or making available services, including nonprofit organizations, governments, and government agencies or instrumentalities which carry on those activities, and a person who provides professional services; and, whenever the Council considers it appropriate, also including any service organization subsidiary, division, affiliate, or similar entity that is part of, or is directly or indirectly controlled by, another person.

"Transaction" means an arms-length sale between unrelated persons and is considered to occur at the time of shipment in the case of commodities and the time of performance in the case of services.

"Wholesaler" means a person who carries on the trade or business of purchasing a commodity and, without substantially changing the form of that commodity, reselling it to retailers for resale or to industrial, commercial, institutional, or professional business users. It also includes, whenever the Council considers it appropriate, any wholesaling subsidiary, division, affiliate, or similar entity that is a part of, or is directly or indirectly controlled by, another person.

Subpart B—Freeze Price Rules

§ 140.10 General rule.

Effective 9 p.m., e.s.t., June 13, 1973, no person may charge to any class of purchaser and no purchaser may pay a price for any commodity or service which exceeds the freeze price charged for the same or a similar commodity or service in transactions with the same class of purchaser during the freeze base period. The freeze price shall be determined in accordance with the definitions set forth in § 140.2 notwithstanding the fact that the freeze price so determined may be lower than the price prevailing on May 25, 1970.

§ 140.11 Sales of real property.

The freeze price for the sale of any interest in real property shall be:

(a) The sale price specified in a sales contract signed by both parties on or before June 12, 1973; or

(b) When there is no such sales contract, the fair market value of the property as of the freeze base period based on sales of like or similar property.

§ 140.12 New commodities and new services.

(a) *Freeze price determination.*—A person offering a new commodity or a new service shall determine its freeze price as follows:

(1) *Net operating profit markup—Manufacturer or service organization.*—A manufacturer or service organization shall apply the net operating profit markup it received on the most nearly similar commodity or service it sold or leased to the same market during the freeze base period to the total allowable unit costs of the new commodity or service. For the purposes of this subparagraph, "net operating profit markup" means the ratio which the selling price bears to the total allowable unit costs of the commodity or service.

(2) *Customary initial percentage markup—Retailer or wholesaler.*—A retailer or wholesaler shall apply the customary initial percentage markup it received on the most nearly similar commodity or service it sold to the same market during the freeze base period to the total allowable unit costs of the new commodity.

(3) *Average price of comparable commodities or services.*—If the person did not offer a similar commodity or service for sale or lease to a particular market during the freeze base period, the freeze price for sales or leases to that market shall be the average price received in a substantial number of current transactions in that market by other persons selling or leasing comparable commodities or services in the same marketing area.

(b) *Base prices determined by predecessor entities.*—If a legal entity or a component of a legal entity determines a base price for a commodity or service which it sells or leases to a particular market and the entity or component is acquired by another person after June 12, 1973, the commodity or service does not become a new commodity or new service with respect to the same market. The ceiling price of the commodity or service with respect to that market remains the ceiling price determined for it by the predecessor entity or component.

(c) *General—New item.*—(1) A commodity or service is a new commodity or new service if—

(i) The offering person did not sell or lease it in the same or substantially similar form at any time during the 1-year period immediately preceding the first date on which he offers it for sale or lease. (A change in appearance, arrangement, or combination does not create a new commodity or service. Ordinarily, a change in fashion, style, form, or packaging does not create a new commodity or service. In the case of personal property for lease, a permanent improvement or betterment made to the property, as a part thereof, to increase value or to restore it makes it a new commodity for purposes of a lease if the cost of the improvements or betterment is greater than $100 and at least as much as 3 month's rent for the property); and

(ii) It is substantially different in purpose, function, quality, or technology, or its use or service effects a substantially different result from any other commodity or service which the offering person currently sells or leases or sold or leased at any time during the 1-year period immediately preceding the first date on which he offers it for sale or lease.

(2) *New market.*—A commodity or service which the offering person has previously sold or leased is a new commodity or a new service with respect to its offer or sale to any market to which he did not sell or lease it at any time during the 1-year period immediately preceding the first date on which he offers it for sale or lease. For the purposes of this section, a "market" is one or more members of any one of the following groups: wholesalers; retailers; consumers; manufacturers; or service organizations.

(d) *In applicability.*—This section does not apply to sales of real property.

(e) *Burden of proof.*—Any seller seeking to utilize the provisions of this section to establish a freeze price has the burden of establishing the facts upon which the determination of a freeze price is made and demonstrating those facts upon request by a representative of the Council.

§ 140.13 Seasonal patterns.

(a) *General.*—Nothwithstanding any other provision of this subpart, prices which normally fluctuate in distinct seasonal patterns may be adjusted as prescribed in this section.

(b) *Distinct fluctuation.*—Prices must show a large or otherwise distinct fluctuation at a specific, identifiable point in time. The distinct flucuation must be an established practice that has taken place in each of the 3 years before the date of the contemplated change. New persons may determine their qualifications from those generally prevailing with respect to persons similarly situated, selling or leasing in the same marketing area. If there are not similar persons in the immediate area, qualification may be established by reference to the nearest similar marketing area.

(c) *Time of price fluctuation.*—The price fluctuation referred to in paragraph (b) of this section may not take place at a time other than the time at which that fluctuation took place in the preceding year unless the date of the price fluctuation is tied to a specific event such as a previously planned introduction of new models.

(d) *Allowable price.*—Subject to paragraph (e) of this section, if the requirements of paragraphs (b) and (c) of this section are met, the maximum price which may be charged by the person concerned is the greater of the following:

(1) The freeze price determined under this part; or

(2) The price charged by that person during the first 30 days of the period following the nearest preceding seasonal price adjustment, or if the season was less than 30 days, during the period of that season.

For the purposes of paragraph (d)(2) of this section, the price charged during that 30-day period, or the period of the season if less than 30 days, is the weighted average of the prices charged on all transactions during that period.

(e) *Return to nonseasonal prices.*—Each person that increases a price under this section shall decrease that price at the same date or identifiable point in time as the price was deceased in the previous season.

(f) *Burden of proof.*—Any seller seeking to utilize the provisions of this section to establish a freeze price has the burden of establishing the facts upon which the determination of a freeze price is made and demonstrating those facts upon request by a representative of the Council.

§ 140.14 Imported commodity.

Notwithstanding the provisions of § 140.10, any person who imports and sells a commodity from outside the several States and the District of Columbia and each reseller of such a commodity may pass on price increases for such imported commodity incurred after June 12, 1973, on a dollar-for-dollar basis so long as the commodity is neither physically transformed by the seller nor becomes a component of another product. However, this section shall not apply to commodities which were originally purchased in the United States but exported and subsequently imported in any form.

Subpart C—Recordkeeping

§ 140.20 General.

Each seller shall prepare a list of freeze prices for all commodities and services which he sells and shall maintain a copy of that list available for public inspection, during normal business hours, at each place of business where such commodities or services are offered for sale. In addition, the calculations and supporting data upon which the list is based shall be maintained by the seller at the location where the pricing decisions reflected on the list are ordinarily made and shall be made available on request to representatives of the Economic Stabilization program.

§ 140.21 Reporting and recordkeeping under part 130 of this chapter.

The reporting and recordkeeping requirements set forth in part 130 of this chapter with respect to prices, costs, and profits remain in full force and effect.

Subpart D—Exemptions

§ 140.30 General.

Prices with regard to the commodities and services set forth in this subpart are exempt from the provisions of Executive Order 11723 and this part 140.

§ 140.31 Agricultural products and seafood products.

(a) *Raw agricultural products.*—(1) Subject to the special rule set forth below, the sale of agricultural products which retain their original physical form and have not been processed is exempt. Processed agricultural products are products which have been canned, frozen, slaughtered, milled, or otherwise changed in their physical form. Packaging is not considered a processing activity. Examples:

Exempt	*Nonexempt*
Live cattle, calves, hogs, sheep, and lambs.	Carcasses and meat cuts.
Live poultry.	
Raw milk	Pasteurized milk and processed products such as butter, cheese, ice cream.
	Frozen, dried, or liquid eggs.
Sheared or pulled wool.	Wool products.
	Processed and blended honeybutter product.
Mohair.	
Hay: Bulk, pelleted, cubed, or baled.	Dehydrated alfalfa meal or alfalfa meal pellets.
Wheat	Flour.
Feed grains including:	
Corn	Mixed feed.
Sorghum	Cracked corn.
Barley	Rolled barley.
Oats	Rolled oats.
Soybean	Soybean meal and oil.
Leaf tobacco	Cigarettes and cigars.
Baled cotton, cottonseed, cotton lint.	Cotton yarn, cottonseed oil, cottonseed meal.
	Frozen french fries, dehydrated potatoes.
Unmilled rice	Milled rice.
	Roasted, salted, or otherwise processed nuts.
	Canned or freeze dried mushrooms.
Fresh hops.	
Sugar beets and sugarcane.	Refined sugar.
Maple sap.	
All seeds for planting.	Seeds processed for other uses.
Raw coffee bean	Roastedcoffee bean.
	Canned and frozen vegetables.
	Dill pickles.
	Package slaw.
	Popped popcorn.
Stumpage or trees cut from the stump.	Milled lumber.
	Canned fruit or juices.
	Glazed citrus peel.
	Canned grapes, wine.
	Applesauce.
	Canned prunes and prune juice.
	Canned olives.
	Floral wreath.
Garden plants.	

(2) Special rule: Only the first sale by the producer or grower of those agricultural products which are of a type sold for ultimate consumption in their original physical form is exempt. Examples of these products are:

Shell, eggs packaged or loose.	Tomatoes.
Raw honeycomb honey.	Lettuce.
Fresh potatoes, packaged or not.	Sweet corn.
All raw nuts—shelled and unshelled.	Brussels sprouts.
Fresh mushrooms.	Beets.
Fresh mint.	Unpopped popcorn.
Dried beans, peas, and lentils.	All fresh or naturally dried fruits, packaged or not, including:
All fresh vegetables and melons including:	Fresh oranges.
	Grapes and raisins.
	Apples.
	Peaches.

Strawberries.	Honeydews.
Grapefruit.	Escarole.
Pears.	Garlic.
Lemons.	Artichokes.
Plums and prunes.	Eggplant.
Cherries.	Avocados.
Cranberries.	Blueberries.
Onions.	Apricots.
Green beans.	Tangerines.
Cantaloupe.	Olives, uncured.
Cucumbers.	Nectarines.
Cabbage.	Raspberries.
Carrots.	Blackberries.
Watermelons.	Figs.
Green peas.	Tangelos.
Asparagus.	Limes.
Pepper.	Dates.
Broccoli.	Papayas.
Cauliflower.	Bananas.
Spinach.	Pomegranates.
Green lima beans.	Currants.
	Persimmons.
	Cut flowers.

(b) Dressed broilers and turkeys and raw seafood products. The first sale by (1) a producer of broilers or turkeys or (2) a producer or fisherman of raw seafood products including those which have been shelled, shucked, iced, skinned, scaled, eviscerated, or decapitated is exempt.

(c) Raw sugar prices. Raw sugar price adjustments which are controlled under the Sugar Act of 1948, as amended, are exempt.

(d) The first sale of mint oil and maple syrup or sugar is exempt.

(e) The first sale of dehydrated fruits is exempt.

§ 140.32 Securities.

Prices charged for securities are exempt.

§ 140.33 Exports.

Prices charged for exports are exempt.

§ 140.34 Commodity futures.

The sale of commodity futures on an organized commodities exchange is exempt. However, delivery of a commodity pursuant to a futures contract must be made at the freeze price, unless the commodity itself is exempt.

Subpart E—Sanctions

§ 140.40 Violations.

(a) Any practice which constitutes a means to obtain a price higher than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of inducements, commissions, kickbacks, retroactive increases, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, trade understandings, falsification of records, substitution of inferior commodities or failure to provide the same services and equipment previously sold.

§ 140.41 Sanctions; criminal fine and civil penalty.

(a) Whoever willfully violates any order or regulation under this title shall be subject to a fine of not more than $5,000 for each violation.

(b) Whoever violates any order or regulation under this title shall be subject to a civil penalty of not more than $2,500 for each violation.

§ 140.42 Injunctions and other relief.

Whenever it appears to the Council that any firm has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any order or regulation under this title, the Council may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of moneys received in violation of any such order or regulation.

Subpart F—Administrative Sanctions—Issuance of Remedial Orders: Procedures Governing Requests for Modification or Rescission of Such Orders

§ 140.50 Purpose and scope.

This subpart establishes the procedures for determining the nature and extent of violations, the procedures for the issuance of remedial orders, and the procedures for requests for modification or rescission of remedial orders.

(a) Each District Director of Internal Revenue is authorized to take final action under this subpart with respect to matters arising in his district and may delegate the performance of any function under this subpart.

(b) A "remedial order" is an order requiring a person to cease a violation or to take action to eliminate or to compensate for the effects of a violation, or both, or which imposed other sanctions.

(c) The District Director will not consider that a person has exhausted his administrative remedies until he has filed a request for modification or rescission under §§ 140.56–140.59 and final action has been taken thereon by the District Director under § 140.55.

§ 140.51 General.

When any audit or investigation discloses, or the District Director otherwise discovers, that a person appears to be in violation of any provision of this part, the District Director may conduct proceedings to determine the nature and extent of the violations and issue remedial orders. The District Director may commence proceedings by serving a notice of probable violation or by issuing a remedial order.

§ 140.52 Issuance of notice of probable violation to begin proceedings.

The District Director may begin proceedings under this subpart F by issuing a notice of probable violation if the District Director has reason to believe that a violation has occurred or is about to occur.

§ 140.53 Issuance of remedial orders to begin proceedings in unusual circumstances.

Remedial orders may be issued to begin proceedings under this subpart F if the District Director finds on preliminary examination that the violations are patent or repetitive, that their immediate cessation is required to avoid irreparable injury to others or unjust enrichment to the person to whom the order is issued, or for any other unusual circumstance the District Director deems sufficient.

(a) When the District Director issues a remedial order to begin proceedings the person to whom the order is issued may request a stay of the order, or a suspension of the order if it has already become operative, whichever is appropriate, pending completion of the proceedings, which stay the District Director will grant as a matter of course unless the District Director finds that the order is needed to avoid irreparable injury to others or the unjust enrichment of the person to whom the order was issued.

(b) A request for stay, if any, should be sent to the District Director and should be appropriately identified on the envelope.

§ 140.54 Reply.

Within 5 days of receipt of a notice of probable violation issued under § 140.52 or a remedial order issued under § 140.53, the person to whom the notice or order is issued may file a reply. The reply must be in writing. He may also request an appointment for a personal appearance, which must be held within the 5-day period provided for reply. He may be represented or accompanied by counsel at the personal appearance. The District Director will extend the 5-day reply period for good cause shown.

(a) If a person has not requested a stay or suspension of a remedial order issued to begin proceedings, or if such a stay has been denied, the order will go into effect or remain in effect, in accordance with its terms, as the case may be.

(b) If a person does not reply within the time allowed by a notice of probable violation, the violation will be considered admitted as alleged and the District Director may issue whatever remedial order would be appropriate.

(c) An order which goes into effect or is permitted to remain in effect under paragraph (a) of this section or an order issued under paragraph (b) of this section is not subject to judicial or any other review with respect to any finding of fact or conclusion of law which could have been raised in the proceedings before the District Director by the filing of a reply.

§ 140.55 Decision.

(a) If the District Director finds, after the person has filed a reply under § 140.54 that no violation has occurred or is about to occur or that for any other reason the issuance of a remedial order would not be appropriate, it will issue a decision so stating, and, if necessary, an order revoking or modifying any remedial order which already may be outstanding.

(b) If the District Director finds that a violation has occurred or is about to occur and that a remedial order is appropriate, it will issue a decision so stating, specifying the nature and extent of the violation, and, if necessary, issue a remedial order implementing the decision, vacating the suspension of any outstanding remedial order, or modifying as appropriate, an outstanding remedial order. The decision will state the reasons upon which it is based.

(c) Remedial orders issued hereunder may include provisions for rollbacks and refunds or any other requirement which is reasonable and appropriate.

§ 140.56 Who may request modification or rescission of an order issued under § 140.55.

The person to whom an order is issued under § 140.55 may file a request for modification or rescission of that order.

§ 140.57 Where to file.

A request for modification or rescission shall be filed with the District Director who issued the order.

§ 140.58 When to file.

A request for modification or rescission must be filed within 5 days of receipt of the order issued under § 140.55.

§ 140.59 Contents of request.

A request for modification or rescission shall—

(a) Be in writing and signed by the applicant;

(b) Be designated clearly as a request for modification or rescission;

(c) Identify the order which is the subject of the request;

(d) Point out the alleged error in the order;

(e) Contain a concise statement of the grounds for the request for modification or rescission and the requested relief;

(f) Be accompanied by briefs, if any; and

(g) Be marked on the outside of the envelope "Request for Modification or Rescission."

§ 140.60 Preliminary processing by the District Director.

(a) A request for modification or rescission of an order issued under § 140.55 will be considered by the District Director only if it:

(1) Is made by a person to whom the order sought to be modified or rescinded was issued;

(2) Is timely; and

(3) Makes a prima facie showing of error.

(b) The District Director may summarily reject a request for modification or rescission which is not made by a person to whom the order was issued, or which is not timely filed, or which fails to make a prima facie showing of error.

(c) When the request for modification or rescission meets the requirements set forth in paragraph (a) of this section, the District Director on its own motion or for good cause shown may temporarily suspend the order appealed from and then proceed in accordance with § 140.55.

Subpart G—Compromise of Civil Penalties

§ 140.70 Purpose and scope.

Under section 208(b) of the Economic Stabilization Act of 1970, as amended, whoever violates an order or regulation issued by the council or its delegate under that act is subject to a civil penalty of not more than $2,500 for each violation. This subpart prescribes procedures governing the compromise and collection of those civil penalties which each District Director of Internal Revenue may utilize with respect to matters arising in his district under this part.

§ 140.71 Notice of possible compromise of civil penalties.

If the District Director considers it appropriate or advisable under the circumstances of a particular civil penalty case to settle it through compromise, the District Director sends a letter to the person charged with the violation advising him of the charges against him, the order or regulation that he is charged with violating, and the total amount of the penalty involved, and that the District Director is willing to consider an offer in compromise of the amount of the penalty.

§ 140.72 Response to notice.

(a) A person who receives a notice pursuant to § 140.71 may present to the District Director any information or material bearing on the charges that denies, explains, or mitigates the violation. The person charged with the violation may present the information or materials in writing or he may request an informal conference for the purpose of presenting them. Information or materials so presented will be considered in making a final determination as to the amount for which a civil penalty is to be compromised.

(b) A person who receives such a notice may offer to compromise the civil penalty for a specific amount by delivering to the District Director a certified check for that amount payable to the Treasury of the United States. An offer to compromise does not admit or deny the violation.

§ 140.73 Acceptance of offer to compromise.

(a) The District Director may accept or reject an offer to compromise a civil penalty. If he accepts it, he sends a letter to the person charged with the violation advising him of the acceptance.

(b) If the District Director accepts an offer to compromise, that acceptance is in full settlement on behalf of the United States of the civil penalty for the violation. It is not a determination as to the merits of the charges. A compromise settlement does not constitute an admission of violation by the person concerned.

§ 140.74 No compromise.

If a compromise settlement of a civil penalty cannot be reached, the District Director may refer the matter to the Attorney General for the initiation of proceedings in a U.S. district court to collect the full amount of the penalty, or take such other action as is necessary.

[FR Doc.73-12115 Filed 6-14-73;10:44 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev., Export Regulations, Amendment 55]

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Agricultural Commodities Requiring Reports

Part 376 is amended by adding a new § 376.3 and supplement No. 1 to part 376 to read as set forth below.

(50 U.S.C. App. secs. 2402(2)(B), 2403(b) and 22 U.S.C. 287C.)

Effective date.—June 13, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

MONITORING EXPORTS AND ANTICIPATED EXPORTS OF CERTAIN GRAINS, OILSEEDS AND OILSEED PRODUCTS [1]

In order to assist the Department of Commerce in monitoring, on a current basis, the exports of and foreign demand for certain grains, oilseeds and oilseed products, as defined below, the Export Control Regulations are revised to require each U.S. exporter to file, no later than June 20, 1973, a report of all anticipated exports of more than $250 of each separate agricultural commodity set forth below. Such report will provide the tonnage (in metric tons) of such anticipated exports as of the close of business June 13, 1973. The commodities subject to the reporting requirement set forth herein shall be listed by the appropriate number in schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, U.S. Bureau of the Census, which are set forth below and in the case of wheat also by the separate classes of wheat set forth below; [2] by country of ultimate destination; and by month of scheduled or anticipated export.

For optional sales, the report shall include that portion of the sale expected to be exported from the United States or in

[1] The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[2] Hard Red Winter, Soft Red Winter, Hard Red Spring, White, or Durum.

the case of optional class or kind of grain, the report shall include the particular class or kind of grain expected to be exported.

A separate report shall be filed on the appropriate form DIB–634P (a) through (i),[1] "anticipated exports" for each of the nine agricultural commodity groupings listed below. Form DIB–634P is promulgated in series (a) through (i) inclusive, so that each of the nine commodity groupings has its own particular form, designated by color coding.

Subsequent reports.—On June 25, 1973, and on the first business day of each week thereafter, each U.S. exporter shall file a report on the appropriate form DIB–634P setting forth as of the close of business the preceding Friday all anticipated exports of more than $250 for each separate commodity set forth below. Such report shall be made on the same basis as and shall contain all data required above for the June 20 report. Such report shall also have attached a reconciliation of all changes from the prior report which will show in aggregate form all new anticipated exports of more than $250; all cancellations of, or changes in, orders previously reported; a breakdown showing whether such cancelled orders were accepted on or before June 13, 1973, or accepted after June 13, 1973; all exports made since the closing date of the prior report, whether or not such exports were made against reported or accepted orders; a breakdown of exports showing whether they were against orders accepted on or before June 13, 1973, or against orders accepted after June 13, 1973; any changes in the quantities to be exported to particular countries; any changes in the month of scheduled or anticipated export; and in the case of optional sales any change in the particular class or kind of grain expected to be exported from the United States. Such reconciliation shall be filed on form DIB–635P[1] which is also promulgated in series (a) through (i) inclusive. If there are no changes on a line of information from the prior report, the information contained in the prior report shall not be repeated, but form DIB–634P shall nevertheless be submitted with the statement "no change" entered in its face; in such case, form DIB–635P need not be filed. If there are changes, even though these do not result in changes in the aggregates because they are offsetting, form DIB–635P shall be filed showing such changes.

Manner of reporting.—All reports must be filed in an original and one copy with the Office of Export Control (Attn: 547), U.S. Department of Commerce, Washington, D.C. 20230. Such reports shall be deemed filed when actually received by the Office of Export Control.

Date of export.—For purposes of this reporting requirement only, a commodity shall be considered as scheduled for export on the date the exporting carrier is expected to depart from the United States.

Corrections.—If, because of a carrier's earlier or delayed departure or for other reasons, data reported pursuant to the preceding paragraph are found to have been incorrect, such facts shall be set forth on form DIB–635P (a) through (i), and corrected data shall thereafter be set forth on the appropriate form DIB–634P (a) through (i).

Who shall file reports.—For purposes of this reporting requirement only, in order to prevent duplication as well as to insure complete and adequate coverage of pending orders and shipments, the exporter as the principal party in interest in the export transaction will have the sole responsibility for reporting any and all information even though there may also be a U.S. order party involved. The exporter will have the sole responsibility of reporting the anticipated exports whether the exporter employs a freight forwarder to handle the shipping of the material or delivers the material to a carrier for export out of the country.

The term "anticipated export(s)" as used herein and in the reporting forms means exports expected which are based upon accepted orders which are unfilled in whole or in part or upon other firm arrangements, such as exports for the exporter's own account. It does not include merely hoped-for sales for export or anticipated orders.

Possibility of quota restrictions.—U.S. exporters are advised that if controls are imposed on exports of any of the agricultural commodities defined in supplement No. 1 to part 376, orders accepted or arrangements for exports made after June 13, but unshipped at the time controls are imposed, may be fully subject to such controls. In addition exports made after June 13, 1973, based upon orders or arrangements made after June 13, 1973, may be included in whatever export quotas are established.

The agricultural commodities subject to these reporting requirements are set forth below in supplement No. 1 to part 376.

Accordingly, § 376.3 and supplement No. 1 to part 376 are added to read as set forth below:

§ 376.3 Agricultural commodities requiring reports.

(a) *Exports and anticipated exports of certain grains, oilseeds, and oilseed products.*—(1) *Initial report of unfilled orders.*—No later than June 20, 1973, each U.S. exporter shall file a report of all anticipated exports (as hereinafter defined) of more than $250 of each separate agricultural commodity listed in supplement No. 1 of this part 376. Such report will provide the tonnage (in metric tons) of such anticipated exports as of the close of business June 13, 1973. The commodities subject to the reporting requirement set forth herein, shall be listed by the appropriate number in schedule B, "Statistical Classification of Domestic and Foreign Commodities Exported From the United States, U.S. Bureau of the Census," as set forth in supplement No. 1, and in the case of wheat also by the separate classes of wheat set forth in supplement No. 1; by country of ultimate destination; and by month of scheduled or anticipated export. For optional sales, the report shall include that portion of the sale expected to be exported from the United States, or in the case of optional class or kind of grain, the report shall include the particular class or kind of grain expected to be exported. A separate report shall be filed on the appropriate form DIB–634P (a) through (i) "Anticipated Exports", for each of the nine agricultural commodity groupings listed in supplement No. 1. Form DIB–634P is promulgated in series (a) through (i) inclusive, so that each of the nine commodity groupings has its own particular form, designated by color coding.

(2) *Subsequent reports.*—On June 25, 1973, and on the first business day of each week thereafter, each U.S. exporter shall file a report on the appropriate form DIB–634P setting forth, as of the close of business the preceding Friday, all anticipated exports of more than $250 for each separate commodity set forth in supplement No. 1. Such report shall be made on the same basis as and shall contain all data required under subparagraph (1) of this paragraph. Such report shall also have attached a reconciliation of all changes from the prior report which will show in aggregate form all new anticipated exports of more than $250; all cancellations of, or changes in, orders previously reported; a breakdown showing whether such cancelled orders were accepted on or before June 13, 1973, or accepted after June 13, 1973; all exports made since the closing date of the prior report, whether or not such exports were made against reported or accepted orders; a breakdown of exports showing whether they were against orders accepted on or before June 13, 1973, or against orders accepted after June 13, 1973; any changes in the quantities to be exported to particular countries; any changes in the month of scheduled or anticipated export; and in the case of optional sales any change in the particular class or kind of grain expected to be exported from the United States. Such reconciliation shall be filed on form DIB–635P which is also promulgated in series (a) through (i) inclusive. If there are no changes on a line of information from the prior report, the information contained in the prior report shall not be repeated but form DIB–634P shall nevertheless be submitted with the statement, "no change" entered in its face; in such case, form DIB–635P need not be filed. If there are changes, even though these do not result in changes in the aggregates because they are offsetting, form DIB–635P shall be filed showing such changes.

(3) *Reporting requirements.*—(i) *Manner of reporting.*—All reports required under this part 376 must be filed in an original and one copy with the

[1] Copies of the forms may be obtained from all U.S. Department of Commerce district offices and from the Office of Export Control (Attn: 547), U.S. Department of Commerce, Washington, D.C. 20230.

Office of Export Control (Attention: 547), U.S. Department of Commerce, Washington, D.C. 20230. Such reports shall be deemed filed when actually received by the Office of Export Control.

(ii) *Date of export.*—For purposes of § 376.3 only, a commodity shall be considered as scheduled for export on the date the exporting carrier is expected to depart from the United States.

(iii) *Corrections.*—If, because of a carrier's earlier or delayed departure or for other reasons, data reported pursuant to (ii) above are found to have been incorrect, such facts shall be set forth on form DIB–635P (a) through (i) and corrected data shall thereafter be set forth on the appropriate form DIB–634P (a) through (i).

(iv) *Who shall file reports.*—For purposes of § 376.3 only, in order to prevent duplication as well as to insure complete and accurate coverage of pending orders and shipments, the exporter, as the principal party in interest in the export transaction, will have the sole responsibility of reporting any and all information even though there may also be a U.S. order party involved. The exporter will have the sole responsibility of reporting the anticipated exports whether the exporter employs a freight forwarder to handle the shipping of the material or delivers the material to a carrier for export out of the country.

(v) *Definition.*—The term "anticipated export(s)" as used herein and in the reporting forms means exports expected which are based upon accepted orders which are unfilled in whole or in part, or upon other firm arrangements, such as exports for the exporter's own account. It does not include merely hoped-for sales for export, or anticipated orders.

Supplement No. 1—Agricultural Commodities Subject to Monitoring

Schedule B number	*and commodity description*
	GROUP I—WHEAT
041.0020	Wheat—Hard red winter.
041.0020	Wheat—Soft red winter.
041.0020	Wheat—Hard red spring.
041.0020	Wheat—White.
041.0020	Wheat—Durum.
	GROUP II—RICE
042.1010	Rice in the husk, unmilled.
042.1030	Rice, husked, long grain.
042.1040	Rice, husked, medium grain.
042.1050	Rice, husked, short grain.
042.1060	Rice, husked, mixed.
042.2022	Rice, parboiled, long grain.
042.2024	Rice, parboiled, medium grain.
042.2026	Rice, parboiled, short grain.
	GROUP II—RICE—continued
042.2028	Rice, parboiled, mixed grain.
042.2030	Rice, milled, containing 75 percent or more broken kernels.
042.2050	Rice, milled, long grain, containing less than 75 percent broken kernels.
042.2060	Rice, milled, medium grain, containing less than 75 percent broken kernels.
042.2070	Rice, milled, short grain, containing less than 75 percent broken kernels.
042.2080	Rice, milled, mixed grain, containing less than 75 percent broken kernels.
	GROUP III—BARLEY
043.0000	Barley, unmilled.
	GROUP IV—CORN
044.0020	Corn, except seed, unmilled.
	GROUP V—RYE
045.1000	Rye, unmilled.
	GROUP VI—OATS
045.2000	Oats, unmilled.
	GROUP VII—GRAIN SORGHUMS
045.9015	Grain sorghums, unmilled.
	GROUP VIII—SOYBEAN AND SOYBEAN PRODUCTS
081.3030	Soybean oil—cake and meal.
221.4000	Soybeans.
	GROUP IX—COTTONSEEDS AND COTTONSEED PRODUCTS
081.3020	Cottonseed oil—cake and meal.
221.6000	Cottonseed.

[FR Doc.73–12154 Filed 6–14–73;2:32 pm]

federal register

FRIDAY, JUNE 15, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 115

PART III

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

CERTAIN BULK DANGEROUS CARGOES

SPECIAL INTERIM REGULATIONS FOR ISSUANCE OF LETTERS OF COMPLIANCE

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-80R]

SUBCHAPTER O—CERTAIN BULK DANGEROUS CARGOES

PART 154—SPECIAL INTERIM REGULATIONS FOR ISSUANCE OF LETTERS OF COMPLIANCE

The purpose of the amendments in this document is to add to subchapter O of title 46, Code of Federal Regulations, interim regulations governing the issuance of a letter of compliance to foreign vessels carrying certain bulk dangerous cargoes in U.S. ports. This interim regulation is an upgrading and a continuation of the philosophy and procedures outlined in "Navigation and Vessel Inspection," Circular 13-65, dated September 30, 1965.

Since the interim regulations in this document concern rules governing the Coast Guard's procedure and practice, they are exempt from notice and public procedure thereon by 5 U.S.C. 553(b)(3)(A). Since the interim regulations impose no additional burdens on any person, they may be made effective in less than 30 days in accordance with 5 U.S.C. 553(d).

In consideration of the foregoing, subchapter O of title 46, Code of Federal Regulations, is amended by adding the special interim regulations for issuance of letters of compliance to read as follows:

[SCGR-150]

1. *Purpose.*—The purpose of this interim regulation is to prescribe procedures for the issuance of a letter of compliance to foreign vessels carrying certain bulk dangerous cargoes which create potential unusual operating risks to life and property in U.S. ports. These unusual operating risks may be by virtue of the vessel design, the vessel operation, or the cargoes carried. These interim regulations require a letter of compliance for foreign vessels carrying, in U.S. ports, any of the cargoes listed in table I of these regulations.

The ever-increasing number and quantity of hazardous cargoes being shipped in bulk, mainly on foreign vessels, has been determined by the Coast Guard to present an unacceptable level of risk to U.S. ports. Pending the adoption of a satisfactory international standard of construction and manning, the United States must insure a minimum degree of safety from all vessels carrying hazardous cargoes in U.S. waters. It is anticipated that upon the adoption of a satisfactory international standard, such as an acceptable IMCO code, vessels constructed to such standard will be considered to meet the minimum degree of safety desired.

A letter of compliance, valid for 2 years, will be issued to vessels upon satisfactory completion of plan review and examination. The requirements for the carriage of cargoes which previously required a letter of compliance are effective immediately. The requirements for carriage of cargoes which did not previously require a letter of compliance will be effective on January 1, 1974.

Letters of compliance are valid for a period of 2 years. Letters of compliance issued prior to 1972 will remain in effect for 1 year following the issue date of this regulation. Reissuance of a vessel's letter of compliance will require a satisfactory Coast Guard reexamination.

2. *Background.*—Prior to 1965, the carriage of dangerous cargoes by water was minimal, with foreign vessels being allowed entry without regard to technical requirements for the safety and security of U.S. ports. With the expansion of the chemical industry and chemical shipments by water, the carriage of certain dangerous cargoes was determined to present potential unusual operating risks to U.S. ports. Since there was no recognized international standard for the design and construction of the cargo containment portion of vessels, the United States promulgated regulations permitting some control for the assurance of port safety.

Under the provisions of 46 CFR 2.01-13, foreign vessels involving novel features of design or construction upon which the Convention for the Safety of Life at Sea is silent, or which involve potential unusual operating risks, are subject to inspection to the extent necessary to safeguard life and property in U.S. ports. The control and movement of such vessels in U.S. waters are also subject to the jurisdiction of the U.S. Coast Guard captain of the port pursuant to the authority of 33 CFR, part 6 and in accordance with 33 CFR, part 124. Foreign vessel operators were informed of requirements and procedures by "Navigation and Vessel Inspection," Circular No. 13-65 dated September 30, 1965.

The complex nature of U.S. regulations has made them very difficult for foreign operators to use and understand. Requirements for the review of cargo containment portions of vessels are found in various subparts of subchapter D (Tank Vessel Regulations), subchapter F (Marine Engineering Regulations), subchapter J (Electrical Regulations), subchapter I (Cargo and Miscellaneous Vessel Regulations), and subchapter O (Certain Bulk Dangerous Cargo Regulations).

It has been found necessary to promulgate interim regulations to explain to foreign vessel owners the present submission procedure for the review of the cargo containment portions of their vessels. These interim regulations will also provide reference to the U.S. regulations that apply to the cargo containment portion of such vessels.

It is contemplated that as acceptable international standards for the cargo containment portions of vessels are developed and implemented, the Coast Guard will accept certification from the national administrations for those vessels in full compliance with such international standards.

3. *Discussion.*—(a) *Unusual risks.*—A potential unusual operating risk may exist because of the design of the vessel, the cargoes carried, the method of handling the cargo, or any unconventional shipboard system. A "design" is not considered restricted to construction details, but is considered to include the overall concept of the carriage of the cargo. For example, a vessel designed for the low temperature carriage of cargoes creates an unusual risk because the uncontrolled release of cargo can cause brittle fracture of the surrounding structure. Also, a vessel of conventional design could pose a hazard when carrying a product not considered when the vessel was built. Additionally, a new or unusual handling technique for a common product could create a hazard.

In considering safeguards necessary to permit the movement of these cargoes in bulk, all aspects of the overall transportation concept must be considered. This includes intended routes, navigational considerations, vessel design features, method of cargo handling, and the shore facilities available.

(b) *Cargoes considered to involve unusual risks.*—(1) Types of cargoes which are considered to involve potential unusual operating risks include:

(i) Highly reactive or unstable commodities;

(ii) Commodities having severe and unusual fire hazards, such as liquefied flammable gases;

(iii) Commodities having toxic properties;

(iv) Commodities requiring refrigeration or pressurization for their safe containment;

(v) Commodities which can cause brittle fracture of normal temperature materials by reason of their being carried at low temperature or because of their low boiling point at atmospheric pressure;

(vi) Corrosive commodities.

(2) The cargoes which have been determined to meet the above criteria are listed in annex A. Foreign vessels loading, discharging, or carrying these cargoes in U.S. ports require a letter of compliance.

(3) Cargoes considered not to involve potential unusual operating risks in bulk transportation are found in annex B. Vessels loading, discharging, or carrying only those cargoes listed in annex B are not subject to the procedures explained herein.

(4) Any cargo which is intended for carriage and which does not appear in either annex A or annex B is subject to an individual determination by the Commandant (GMHM). The shipper must first notify the Coast Guard of his intention to carry any such cargo. Based on a review of the cargo's hazards, it will be assigned to either annex A or annex B. Requirements will be developed for a cargo assigned to annex A and the vessel will then be reviewed on the basis of those requirements.

(c) *Features of interest to the Coast Guard.*—The following are examples of the type of features in which the Coast Guard is interested from the point of view of safety of life and property in U.S. ports:

(1) Design and arrangement of cargo tanks and cargo piping and vent systems. (Including the suitability of the cargo containment system materials for the pressure and temperatures involved, welder and welding procedure qualification, and nondestructive testing of the cargo tanks and piping.)

(2) Arrangement and adequacy of installed fire extinguishing system and equipment.

(3) Safety devices and related systems which check the cargo and the surrounding spaces to give warning of leaks or other disorders which could result in a casualty.

(4) Isolation of toxic cargoes.

(5) Compatibility of one cargo with another and with the materials of the containment system.

(6) Suitability of electrical equipment installed in hazardous areas.

4. *Action.*—(a) *Foreign vessel owner.*—(1) Owners desiring to carry cargoes which exhibit a potential unusual operating risk to U.S. ports must submit a formal request to the Commandant (GMHM) for a review of the cargo containment portion of the vessel. This request must include:

(i) A list of all cargoes to be carried which do not appear in the list in annex B.

(ii) The anticipated routes of the vessel.

(iii) Country of vessel registry.

(iv) Classification society.

(v) A description of the cargo containment system.

(2) Plan review information must be submitted as specified in annex A.

(i) For existing vessels, required information must be submitted in the English language and received at least 90 days prior to desired entry into U.S. ports.

(ii) In the case of new construction or conversion, sufficient lead time should be provided to allow for review, comment, and any necessary revision to insure compliance with U.S. Coast Guard requirements prior to desired entry into U.S. ports.

(3) Owners and charterers should consider that vessels which have not completed plan review, and which arrive at a U.S. port with cargo on board requiring a letter of compliance, will be ordered to depart U.S. territorial waters until outstanding review items and vessel discrepancies have been resolved Furthermore, vessels arriving at a U.S. port in an empty condition will not be permitted to load cargo requiring a letter of compliance until plan review and initial examination are satisfactorily completed.

(b) *Plan Review—U.S. Coast Guard.*—(1) The required plans and specifications will be reviewed using criteria equivalent to those used in the review of a similar design for U.S. registry.

(i) Review of existing vessels will be based upon those plans required for individual cargoes as specified in annex A. For cargoes not previously requiring a letter of compliance, consideration will be given to standards in effect at the time of construction in order that major modifications to the cargo containment portion of the vessel would not be required.

(ii) Plan review for new construction will be considered complete after plans, specifications, and inspection and test reports have been found satisfactory and evidence has been received that the vessel will be accepted by a recognized classification society. Normally, when foreign equipment and material standards provide the same degree of safety as comparable U.S. standards, they will be accepted in lieu of requiring approved items of equipment and materials from U.S. manufacturers.

(2) Arrangements have been made with certain classification societies to further streamline the plan review of various systems, components, and test data for liquefied flammable gas vessels. These procedures may be used if desired. Because the arrangements differ from society to society, specific details should be obtained directly from the society classing the vessel.

(3) Owners of vessels complying with the IMCO Code for the Construction and Equipment of Ships Carrying Dangerous Chemical in Bulk, Resolution A.212 (VII), may submit certification of compliance from their national administration in lieu of plans and drawings. Following Coast Guard review of such certifications, the owners will be advised of any additional plans and drawings needed for review. In general, a new vessel built in full compliance with the IMCO Code will not require plan review. A vessel which only partially meets the IMCO Code requires additional plan review.

(4) The Coast Guard does not conduct examinations in foreign building yards for the purpose of issuance of letters of compliance. For vessels under construction or alteration, it is the responsibility of the vessel owner to incorporate all requirements made by the Coast Guard during plan review. Required reports of examinations or tests must be certified by the vessel's classification society. The owner must make arrangements with the classification society for the examination and submission of the English copies of the reports and certificates. All submissions should be sent from one central agency, the owner or owner's representative, rather than directly from all manufacturers involved in construction.

(5) Upon completion of plan review, the Commandant (GMHM) will notify the owner that plan review is complete and specify the cargoes authorized for carriage and the applicable restrictions. The owner may then send his vessel carrying an authorized cargo, to a U.S. port for examination.

(c) *Notification of arrival—foreign vessel owner.*—(1) When plan review has been completed for a vessel, the owner or charterer must notify the Commandant (GMHM) and the cognizant captain of the port or officer-in-charge of marine inspection of the date and place of the vessel's initial arrival. See 33, Code of Federal Regulations, part 3, for a listing of captains of the port and officers in charge of marine inspection. Notification must be given at least 2 weeks prior to the vessel's time of arrival. Any additional advance notice required by the captain of the port for specific cargoes must also be given.

(d) *Examination*—(1) *Initial examination.*—(i) Upon arrival at the first port of call in the United States, representatives of the cognizant captain of the port and officer in charge, marine inspection, will board the vessel. The Commandant may deem it necessary to have a headquarters representative attend as a member of the boarding party because of peculiarities in vessel design, cargo handling operations, or hazardous properties of the cargo.

(ii) For those vessels that have completed Coast Guard plan review, the boarding party will examine the vessel's arrangement and cargo system, including tanks, piping, machinery, and alarms. In addition, the boarding party will observe the material condition of the vessel, vessel operation, cargo handling operations, firefighting capability, and personnel performance. Cargo tanks will not be required to be gas free unless prior notification is given the owner by Commandant (GMHM).

(iii) For those vessels which fully meet the IMCO Chemical Code, a valid IMCO certificate in English must be available for examination by the boarding party. The boarding party will examine and observe the material condition of the vessel, vessel operation, cargo handling operations, vessel firefighting capability, and personnel performance.

(iv) Serious discrepancies, such as those involving inoperative safety equipment, leaking cargo piping or nonexplosion-proof electrical installations may require immediate correction prior to cargo transfer operations. Minor discrepancies may not preclude permission to transfer cargo, but may require correction prior to a second call in a U.S. port either on the initial voyage or on a subsequent voyage.

(2) *Reexamination.*—(i) Reexaminations are conducted biennially for vessels which hold a Coast Guard letter of compliance. The purpose of reexaminations is to insure that the vessel is being maintained to the safety and construction standards as initially examined. Vessels with letters of compliance issued prior to 1972 must be reexamined within 1 year of the date of these regulations. Vessels which have not been reexamined under the provisions outlined above will be denied the privileges afforded by the vessel's letter of compliance.

(ii) The vessel owner or charterer must make arrangements for a letter of compliance reexamination in accordance with paragraph 4(c), as he did for the initial examination.

(iii) The boarding party will examine and observe the material condition of the vessel, vessel operation, cargo handling operations, condition of firefighting and safety equipment, and personnel performance.

(iv) Paragraph 4(d)(1)(iv) outlines the procedures applying to vessel discrepancies found during reexaminations.

(3) *Boardings.*—(i) The condition of the vessel during subsequent arrivals in U.S. ports must be maintained to those standards set for the initial examination. Vessels may be boarded at the harbor entrance, and while en route to berth, underway tests and examinations of the firefighting equipment, leak detectors, quick closing valves, and other safety equipment may be conducted. Inoperative equipment may result in the vessel not being permitted to enter port or to conduct cargo operations. Failure of the owner to maintain the vessel to the general safety and construction standards, or reports by Coast Guard field units of improper or negligent cargo handling operations, as well as unreported modifications to the cargo system, may invalidate the letter of compliance. Reinstatement would be dependent upon evidence that the deficient equipment or cargo handling procedures were corrected to insure safe handling of applicable cargoes.

(e) *Master of vessel.*—(1) The master of the vessel must have all required SOLAS certificates and vessel plans required under these regulations available for the boarding party to use when examining the vessel. Vessel plans, in English, must include, but not be limited to, general cargo tank arrangement, cargo tank venting arrangement, cargo piping arrangements, and safety plans. Evidence of the set pressure of the safety relief valves must be available, preferably in the form of a classification society certificate. The master may be called upon to verify the set pressures stated on the certificate. For those vessels which have completed Coast Guard plan review, the plans provided should be duplicates of plans submitted to the Coast Guard. For vessels which are certificated under the IMCO code, a valid IMCO certificate, in English, must be presented.

(f) *Letter of compliance.*—(1) If the vessel meets all applicable requirements of these regulations, a letter of compliance will be issued by the Commandant (GM). The letter of compliance must be available for presentation to Coast Guard inspection parties whenever the vessel is boarded by Coast Guard personnel. The letter will indicate that the special cargo carrying and handling features of the vessel have been evaluated and found satisfactory for the cargoes specified. For subsequent vessel arrivals, the captain of the port, in conjunction with the officer in charge, marine inspection, will make such reexamination as he considers necessary to insure that the vessel has been maintained

as initially examined. This will be in addition to the regular biennial reexamination. Vessels which have a letter of compliance issued on the basis of an IMCO code certification must maintain a valid certificate.

Changes of vessel name, vessel owner, or vessel registry invalidate the letter of compliance and must be reported to Commandant (GMHM). Upon completion of a satisfactory reinspection a revised letter of compliance will be issued.

(g) *Cargo loading.*—(1) A loading diagram indicating all cargoes to be carried, loaded, or unloaded in U.S. ports must be available for captain of the port personnel at all ports of call in the United States. This loading diagram is in addition to, and not in place of the information required by 33 CFR, part 124.

(2) Cargo compatibility must be considered in preparing a loading diagram and in the subsequent cargo transfer operations. Proper safeguards against accidental mixing of reactive products would include consideration of such factors as avoidance of the use of common cargo and vent lines and carriage in adjacent tanks having a common bulkhead. Navigation and Vessel Inspection Circular No. 5–70 contains a "Guide to Compatibility of Chemicals." A copy of NVC 5–70 containing the guide will be enclosed with letters of compliance and letters notifying owners that plan review of their vessel is complete. Copies of NVC 5–70 are available from Commandant (GMHM) upon request.

(h) *Crew qualifications.*—(1) Since the Coast Guard has no direct control over the qualifications of the crew or the continued utilization of safe operational procedures, it is recommended that vessels be operated in accordance with internationally accepted operating standards such as International Chamber of Shipping Tanker Safety Guides, International Oil Tanker and Terminal Safety Guide, or similar guides.

ANNEX A

BULK LIQUID CARGOES CONSIDERED TO INVOLVE POTENTIAL UNUSUAL OPERATING RISKS TO LIFE AND PROPERTY IN U.S. PORTS

1. Vessels transporting the following commodities in bulk require plan review and examination in accordance with these interim regulations. The submissions to be reviewed will depend upon the cargoes to be carried. These submissions are referenced in table I of this annex.

TABLE I

Cargo	For submissions, see paragraphs
Acetaldehyde	3, 4, 7, 13.
Acetic acid	3, 7, 8, 9.
Acetic anhydride	3, 7, 8, 9.
Acetone cyanohydrin (stabilized).	
Acetonitrile	3, 7, 8, 9, 10, 11.
Acrolein	3, 7, 8, 10, 11, 13.
Acrylic acid (inhibited)	3, 7, 9.
Acrylonitrile (inhibited)	3, 7, 8, 9, 10, 11.
Adiponitrile	3, 7, 8.
Allyl alcohol	3, 7, 8, 10, 11.
Allyl chloride	3, 7, 8, 10, 11.
Aminoethylethanolamine	3, 7, 9.
Ammonia, anhydrous	3, 4, 5, 6, 7, 8.
Ammonium hydroxide (not to exceed 28% NH_3).	3, 7, 8, 9.
Aniline	3, 7, 8, 10, 11.
Benzene	3, 7, 8, 10, 11.
Benzene, toluene, xylene (crude).	3, 7.
Butadiene (inhibited)	3, 4, 5, 6, 7, 8.
Butane	3, 4, 5, 6, 7, 8.
Butene	3, 4, 5, 6, 7, 8.
Butyl acrylate (iso-, n-) (inhibited).	3, 7, 8.
Butylamine (iso-, n-, sec-, tert-).	3, 7, 9.
Butylene oxide	3, 7, 8, 9, 13.
Butyraldehyde (iso-, n-) (crude).	3, 7, 8.
Camphor oil	3, 7, 8.
Carbolic oil	3, 7, 8, 10, 11.
Carbon bisulfide	3, 8, 13, 14.
Carbon tetrachloride	3, 8, 10, 11.
Caustic potash solution	3, 9.
Caustic soda solution	3, 9.
Chlorobenzene	3, 7, 8.
Chloroform	3, 7, 8, 10, 11.
Chlorohydrins (crude)	3, 7, 8, 10, 11.
Chlorosulfonic acid	3, 8, 10, 11, 12.
Cresols (mixed isomers)	3, 7.
Crotonaldehyde	3, 7, 8, 10, 11.
Cyclohexanone	3, 7.
Decyl acrylate (inhibited) (iso-).	3, 7.
Dibutylamine	3, 7, 9.
Dichlorobenzene (ortho-)	3, 7, 9.
Dichlorodifluoromethane	3, 4, 6.
Dichloroethyl ether	3, 7, 9.
1,2-dichloropropane	3, 7, 8, 10, 11.
Dichloropropene	3, 7, 8, 10, 11.
Diethanolamine	3, 7, 9.
Diethylamine	3, 7, 9.
Diethylenetriamine	3, 7, 9.
Diisopropanolamine	3, 7, 9.
Diisopropylamine	3, 7, 9, 10, 11.
Dimethylamine	3, 4, 5, 7, 8.
Dimethylformamide	3, 7, 8, 9.
1,4-dioxane	3, 7.
Diphenyl-diphenyl oxide	3, 7.
Diphenyl methane diisocyanate.	3, 7, 9, 10, 11, 13.
Epichlorohydrin	3, 7, 8, 10, 11.
Ethane	3, 4, 5, 6, 7, 8.
Ethyl acrylate (inhibited)	3, 7, 8.
Ethylamine	3, 4, 7, 8, 13.
Ethyl chloride	3, 4, 7, 8.
Ethylene	3, 4, 5, 6, 7, 8.
Ethylene cyanohydrin	3, 7.
Ethylenediamine	3, 7, 8, 9.
Ethylene dibromide	3, 8, 10, 11.
Ethylene dichloride	3, 7, 8.
Ethylenimine	3, 7, 8, 9, 10, 11, 13.
Ethylene oxide	3, 4, 5, 7, 8, 11, 13.
Ethyl ether	3, 7, 8, 9, 13.
2-ethylhexyl acrylate (inhibited).	3, 7.
2-ethyl-3-propyl acrolein	3, 7, 8.
Formaldehyde solution (37–50%).	3, 7, 8.
Formic acid	3, 7, 8, 9.
Furfural	3, 7, 8, 9.
Hydrochloric acid	3, 8, 12.
Hydrofluoric acid	3, 8, 12.
Hydrogen chloride	3, 4, 6, 8.
Hydrogen fluoride	3, 4, 8.
2-hydroxyethyl acrylate (inhibited).	3, 7, 8, 10, 11.
Isoprene (inhibited)	3, 7, 8.
Methane	3, 4, 5, 6, 7, 8.
Methyl acetylene propadiene (mixture) (stabilized).	3, 4, 5, 6, 7, 8.
Methyl acrylate (inhibited)	3, 7, 8.
Methyl bromide	3, 4, 7, 10, 11.
Methyl chloride	3, 4, 5, 6, 7, 8.
Methylcyclopentadienyl manganese tricarbonyl.	3, 7, 8, 10, 11.
2-methyl-5-ethyl pyridine	3, 7, 9.
Methyl methacrylate (inhibited).	3, 7, 8.
Monochlorodifluoromethane	3, 4, 6.
Monoethanolamine	3, 7, 8, 9.
Monoisopropanolamine	3, 7, 8, 9.
Morpholine	3, 7, 8, 9.
Motor fuel antiknock compounds containing lead alkyls.	3, 7, 8, 10, 11.
Nitric acid	3, 8, 12.
Nitrobenzene	3, 7, 10, 11.
2-nitropropane	3, 7.
Nonyl phenol sulfide	3, 7.
Oleum	3, 8, 12.
Phenol	3, 7, 8, 10, 11.
Phosphoric acid	3, 12.
Phosphorus (elemental)	3, 10, 11.
Phthalic anhydride (molten).	3, 7.
Polymethylene polyphenyl isocyanate.	3, 7, 9, 13.
Propane	3, 4, 5, 6, 7, 8.
Propiolactone	3, 7, 10, 11.
Propionic acid	3, 7, 8, 9.
Propionic anhydride	3, 7, 9.
Propylamine (iso-)	3, 7, 9, 10, 11, 13.
Propylene	3, 4, 5, 6, 7, 8.
Propylene oxide	3, 7, 8, 9, 11, 13.
Pyridine	3, 7, 8, 9.
Styrene (inhibited)	3, 7, 8, 9.
Sulfur (molten)	3, 7, 8.
Sulfuric acid (includes spent).	3, 12.
Tetraethylene pentamine	3, 7, 9.
Toluene diisocyanate	3, 7, 8, 9, 10, 11, 13.
Triethanolamine	3, 7, 9.
Triethylamine	3, 7, 9.
Triethylene tetramine	3, 7, 9.
Vinyl acetate (inhibited)	3, 7, 8, 9.
Vinyl chloride (inhibited)	3, 4, 5, 6, 7, 8.
Vinylidene chloride (inhibited).	3, 7, 8, 9, 13.
Vinyl toluene (meta-, para-) (inhibited).	3, 7, 9.
Zinc dialkyldithiophosphate	3, 7.

2. The information (plans, specifications, certificates, etc.) described in the following paragraphs is required for the plan review of a vessel. Such information is intended as a guide to cover the required information for both liquid gas carriers and certain chemical carriers. Depending upon the service and design of a particular vessel, the Coast Guard may require more information than is included on the list. All information should be submitted in duplicate by the owner or builder of the vessel. The Coast Guard will retain one copy of the information. All information must be translated into English and supplied from one control agency, the owner, or the owner's representative rather than directly from all the manufacturers involved in construction.

Mail information to:

U.S. Coast Guard Headquarters (GMHM-1/83)
400 Seventh Street SW.
Washington, D.C. 20590

Detailed Coast Guard regulations for U.S.-flag vessels are contained in the Code of Federal Regulations, 46 CFR 1–65, 46 CFR 66–145, and 46 CFR 150–199. These volumes are revised each year and may be purchased from:

The Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

The requirements in the Code of Federal Regulations apply to U.S. vessels and are used as bases of comparison when reviewing a foreign vessel. Although special cases may require compliance with other portions of these regulations, the most pertinent sections are outlined in table II.

TABLE II.—*Plan review requirements. Applicable subparts of 46 code of federal regulations*

	General	Cargo tanks	Piping, valves	Venting and ventilation	Pressure relief devices	Electrical installation	Safety equipment
General		32.60	32.50	32.55	32.20-5	31.35-1	34.01-10
			56	56.50-20	54.15	32.45	
					162.017	111.80-5	
					162.018	111.80-8	
						111.85	
Liquefied	38	38.05	38.10	38.20	38.10-15	38.15-15	38.15-10
Flammable		54.01		38.15-1		38.15-20	
Gas		54.25					
		54.30					
Anhydrous	98.25	98.25-10	98.25-40	98.25-70	98.25-60		
Ammonia		98.25-20	98.25-55				
Propylene	40.10	40.10-10	40.10-40	40.10-69	40.10-60		40.10-83
Oxide			40.10-55	40.10-73			
Ethylene	40.05	40.05-10	40.05-40	40.05-69	40.05-60		40.05-83
Oxide			40.05-55	40.05-73			
Sulfuric	98.10	98.10-10	98.10-30	98.10-10(b)			
Acid		98.10-15		98.10-15, (d), (e)			
Phosphoric	98.18	98.18-10	98.18-30	98.18-10(b)			
Acid		98.18-15		98.18-15 (c), (d)			
Hydrochloric	98.15	98.15-10	98.15-30	98.15-10(b)			
Acid		98.15-15		98.15-15 (d), (e)			
Toxic	39	39.05	39.10	39.20	39.20-1		
Cargoes							

NOTE.—Special requirements for low-temperature operation (below 0° F) are contained in subchapter F of title 46, Code of Federal Regulations. These requirements incorporate those of NVC 6-67, which has been withdrawn. The applicable sections are as follows:

(1) Materials for low temperature operation: 46 CFR 54.25-10, 54.25-15, and 54.25-20.

(2) Toughness testing for low-temperature operation: 46 CFR 54.03 and 54.05.

(3) Welding for low-temperature operation: 46 CFR 57.02.

(a) Procedure qualification: 46 CFR 57.03 and 54.05.

(b) Production testing: 46 CFR 57.06 and 54.05.

(4) Low temperature piping: 46 CFR 56.50-105.

(a) Flange joints: 46 CFR 56.30-10.

(b) Welding: 46 CFR 56.70-15.

3. The owner, or owner's representative, of vessels intended to carry cargoes listed in this annex must submit the following:

(a) Written description of the vessel including general design features, cargoes to be carried, design conditions of cargo carriage registry and classification.

(b) (1) General arrangement;

(2) Inboard and outboard profiles;

(3) Midship sections.

(c) Venting (tanks and holds).

(1) Pressure and vacuum setting for pressure vacuum valves;

(2) Calculations which show the required capacity for safety relief valves or pressure relief valves;

(3) Description of means of cargo tank vacuum protection; and

(4) Arrangement of vent piping to atmosphere (including relief valves in pipe runs and flame screen specifications).

(d) Cargo handling.

(1) Cargo piping diagram;

(2) Arrangement of cargo piping on deck and in the tanks;

(3) Arrangement of machinery in motor, compressor, and control rooms;

(4) Piping diagram of reliquefaction/refrigeration system (if installed);

(5) Reliquefaction/refrigeration system components and materials (if installed);

(6) Operations manual for cargo handling system.

(e) Cargo tank gaging systems—liquid level, temperature, and pressure.

NOTE.—The information describing tank gaging systems must include a description of each component (i.e., sensor, transducer, and readout).

(f) Safety plan.

(g) Detailed plans of the fire protection systems serving cargo handling areas and other spaces of unusual hazard.

4. For vessels intended to carry cargoes listed in this annex which reference paragraph 4, the owner or owner's representative must submit:

(a) Base materials.

(1) Translated copies of specifications for all grades of material used in the cargo tanks and hull structure other than normal hull quality steel. Copies of specifications for materials conforming to American Society for Testing and Materials (ASTM) or American Bureau of Shipping (ABS) standards need not be submitted.

(2) Mill certificates or classification society certificates which show the chemistry and the mechanical properties including impact testing, where necessary for all base materials used in actual construction of cargo tanks.

(b) Cargo tanks.

(1) Design—pressure vessel-type tanks.

(i) Plans which show tank configuration, scantlings, and details of weld joints which specify type and extent of stress relief and nondestructive testing.

(ii) Details of all nozzles, domes, attachments, and penetrations into tanks.

(iii) Calculations which show the tanks meet Coast Guard requirements with regard to design, stresses, reinforcement, etc.

(iv) Calculations which show the effect of hull deflection on the stress level in any tanks supported by three or more saddles.

(2) Welding procedure.

(i) Procedure qualification, including test results.

(ii) Classification society certification that all welders have passed to society's performance qualification test.

(iii) Production test schedule.

(iv) Results of production testing.

(c) Venting (tanks and holds).

(1) Description of safety relief valves including design, materials, etc., and the results of a flow test indicating the actual capacity of a prototype valve.

(2) Description of means of pressure control or ventilation of hold spaces.

(d) Cargo handling system.

(1) Materials and components.

(i) Cargo pumps.

(ii) Translated copies of specifications for all grades of material used for piping, valves, fittings, flanges, bolting, etc. Copies of specifications for materials conforming to American Society for Testing and Materials (ASTM) or American Bureau of Shipping (ABS) standards need not be submitted.

(iii) Plans which show the installation of insulating materials for the cargo handling and containment systems (identify the composition of the materials).

5. For vessels intended to carry cargoes listed in this annex which reference paragraph 5, the owner or owner's representative must submit:

(a) Cargo handling system.

(1) Remotely operated valve actuation diagram, including means of actuation and source of power.

(2) Description of inert gas system and details of automatic controls.

(3) Arrangement for emergency discharge of cargo from tanks.

(b) If applicable, arrangement drawings and materials lists of installations for burning LNG boiloff in the propulsion boilers or engines.

6. For vessels intended to carry cargoes listed in this annex which reference paragraph 6, the owner or owner's representative must submit:

(a) Sections in way of cargo holds.

NOTE.—These drawings should show the distribution of various grades of steel in the hull structure and secondary barrier. The steel distribution should be clearly shown by contrasting color or by other easily visible means. (Not normally required for ships with full pressure vessel cargo tanks.)

(b) Base materials.

(1) Mill certificates or classification society certificates which show the chemistry and the mechanical properties including impact testing for all base materials used in actual construction of cargo tanks, secondary barrier, and contiguous hull structure.

(c) Cargo tanks.

(1) Design—gravity tanks.

(i) Proposed prototype test program for tank designs which are not structurally self-supporting.

(ii) Plans which show the scantlings approved by the classification society.

(iii) Extent of nondestructive testing.

(iv) Details of cargo tank supports.

(d) Cargo handling system.

(1) Materials and components.

(i) Expansion joints, including cyclic test data.

(ii) Process pressure vessels (see item 4b (1)).

(iii) Mill certificates or classification society certificates which show the chemistry and the mechanical properties including impact testing for all such material used in actual construction.

(iv) Pipe welding procedures (procedure and welder qualification).

(v) Details of pipe scantlings, flange details, weld joint details nondestructive testing, and post weld heat treatment.

(2) Method of removing water or leaked cargo from secondary barrier or hold space.

7. For vessels intended to carry cargoes listed in this annex which reference paragraph 7, the owner, or the owner's representative, must submit:

(a) General arrangement drawings with the hazardous areas indicated. The drawing must show the location of all electrical equipment, gas locks, and gas tight seals within the hazardous areas.

(b) A list of all electrical equipment installed in hazardous locations. This list must correspond to the general arrangement drawing and shall give the following information for each piece of equipment:

(1) Location;

(2) Whether intrinsically safe or explosion-proof;

(3) Manufacturer and manufacturer's model number;

(c) Details of shaft seals for gas tight bulkhead penetrations.

(d) Details of ventilation fans in hazardous locations.

(e) From the cognizant classification society, in triplicate, certification that the following items are in accordance with the society's rules and regulations:

(1) Certification that the equipment installed in the hazardous areas is explosionproof or intrinsically safe and is suitable for use with the intended cargoes. This should include explosionproof cable seal fittings.

NOTE.—For certain hazardous locations, such as cargo pumprooms, intrinsically safe equipment only is acceptable, except for explosionproof lighting.

(2) Certification that the electrical installation in hazardous locations is in accordance with approved plans and has been inspected by their representative and is satisfactory.

(3) Certification that all ventilation fans for use in hazardous locations are of the nonsparking type.

(4) Certification that seals for gastight bulkhead penetrations are suitable for the intended service.

(5) Certification that the arrangement of gaslocks used to limit the extent of hazardous locations is acceptable.

8. For vessels intended to carry cargoes listed in this annex which reference paragraph 8, the owner, or owner's representative, must submit:

(a) A description of gas detection system instrumentation and alarms, including a general arrangement drawing which shows the locations of all sensing points.

9. For vessels intended to carry cargoes listed in this annex which reference paragraph 9, the owner, or owner's representative must submit:

(a) Translated copies of specifications for all grades of material used for cargo tanks, piping, valves, flanges, bolting, and other appurtenances which may come into contact with the cargo. Copies of specifications for materials conforming to American Society for Testing and Materials (ASTM) or American Bureau of Shipping (ABS) standards need not be submitted.

10. For vessels intended to carry cargoes listed in this annex which reference paragraph 10, the owner or owner's representative, must submit:

(a) Cargo handling system.

(1) Translated copies of specifications for all grades of material used for piping, valves, fittings, flanges, bolting, etc. Copies of specification for materials conforming to American Society for Testing and Materials (ASTM) or American Bureau of Shipping (ABS) standards need not be submitted.

(2) Details of pipe scantlings, flange details, weld joint details, nondestructive testing, and post weld heat treatment.

11. For vessels intended to carry cargoes listed in this annex which reference paragraph 11, the owner or owner's representative, must submit:

(a) Cargo piping and venting plans which clearly indicate piping segregation. The use of spectacle flanges, blind flanges, or spool pieces is not acceptable.

(b) Details of cargo tank overfill protection.

12. For vessels intended to carry cargoes listed in this annex which reference paragraph 12, the owner or owner's representative, must submit:

(a) Translated copies of specifications for all grades of material used for tanks, piping, valves, fittings, flanges, bolting, etc. Copies of specifications for materials conforming to American Society for Testing and Materials (ASTM) or American Bureau of Shipping (ABS) standards need not be submitted.

(b) Specifications and plans of the installations and composition of tank linings and piping corrosion protection.

13. For vessels intended to carry cargoes listed in this annex which reference paragraph 13, the owner, or owner's representative, must submit:

(a) A description of the inert gas system and details of the automatic controls.

14. For vessels intended to carry cargoes listed in this annex which reference paragraph 14, the owner, or owner's representative, must submit:

(a) General arrangement drawings with the hazardous areas indicated. This drawing should show the location of all mechinical equipment and electrical instrumentation and devices within the hazardous areas.

(b) A list of all electrical instrumentation and devices and all mechanical equipment installed in the hazardous locations. This list must correspond to the general arrangement drawing and should give the following information for each piece of equipment:

(1) Location;

(2) Manufacturer and manufacturer's model number.

(c) Certification by the classification society or a recognized testing organization that each electrical device within the hazardous area has been tested as intrinsically safe in an explosive atmosphere of the specific cargo.

(d) Certification by the classification society that no equipment with a normal operating temperature above 115° F has been installed in the hazardous area.

ANNEX B

BULK LIQUID CARGOES NOT CONSIDERED TO INVOLVE POTENTIAL UNUSUAL OPERATING RISKS TO LIFE AND PROPERTY IN U.S. PORTS

Vessels transporting the following commodities in bulk do not require plan review and examination solely by reason of the cargo carried:

Acetone.
Amyl acetate.
Amyl alcohol.
Asphalt.
Butyl acetate (iso-, n-, sec-).
Butyl alcohol (iso-, n-, sec-, tert-).
Butyl benzyl phthalate.
Butylene glycol.
Butyric acid (n-).
Corn syrup.
Creosote, coal tar.
Cumene.
Cyclohexane.
Cyclohexyl alcohol.
p-Cymene.
Decyl alcohol (iso-, n-).
Decaldehyde (iso-, n-).
Dextrose solution.
Diacetone alcohol.
Dicyclopentadiene.
Diethylbenzene.
Diethylene glycol.
Diethylene glycol monobutyl ether.
Diethylene glycol monoethyl ether.
Diisobutyl carbinol.
Diisobutylene.
Diisobutyl ketone.
Dioctyl phthalate.
Dipropylene glycol.
Dodecyl benzene.
Ethoxytriglycol.
Ethyl acetate.
Ethyl alcohol.
Ethyl benzene.
2-ethylbutyl alcohol.
Ethylene glycol.
Ethylene glycol monobutyl ether.
Ethylene glycol monethyl ether.
Ethylene glycol monoethyl ether acetate.
Ethylene glycol monomethyl ether.
2-ethylhexyl acrylate (inhibited).
2-ethylhexyl alcohol.
Ethylhexyl tallate.
Furfuryl alcohol.
Gasolines:
  Casinghead (natural).
  Automotive (containing not over 4.23 grams lead per gallon).
Glycerine.
Glycol diacetate.
Heptane (n-).
Hexane (iso-, n-).
Hexylene glycol.
Isooctyl alcohol.
Isooctylaldehyde.
Isophorone.
Isopropyl ether.
Jet fuels:
  JP-1 (kerosene).
  JP-3.
  JP-4.
  JP-5 (kerosene, heavy).
Kerosene.
Mesityl oxide.
Methyl acetate.
Methyl alcohol.
Methyl amyl acetate.
Methyl butyraldehyde.
Methyl ethyl ketone.
Methyl formal.
Methyl isobutyl ketone.
Mineral spirits.
Molasses, all.
Naphtha:
  Coal tar.
  Solvent.
  Stoddard solvent.
  VM&P (75% naphtha).
Naphthalene, molten.
Nonane.
Nonene.
Nonylphenol.
Oils:
  Crude oil.
  Diesel oil.
  Fuel oils:
    No. 1 (kerosene).
    No. 1-D.
    No. 2.
    No. 2-D.
    No. 4.
    No. 5.
    No. 6.
  Edible oils, including:
    Castor.
    Cottonseed.
    Olive.
    Peanut.
    Soya bean.
    Vegetable.
  Miscellaneous oils, including:
    Absorption.
    Coal tar.
    Lubricating.
    Mineral.
    Mineral seal.
    Motor.
    Neatsfoot.
    Penetrating.
    Range.
    Resin.
    Rosin.
  Mineral oils, including:
    Sperm.
    Spindle.
    Spray.
    Tall.
    Tanner's.
    Turbine.
Petrolatum.
Petroleum naphtha.
Polybutene.
Polypropylene glycol methyl ether.

Propylene tetramer (dodecene).
Propionaldehyde.
Propyl acetate (iso-, n-).
Propyl alcohol (iso-, n-).
Propylene glycol.
Sorbitol.
Tallow.
Tetraethylene glycol.
Tetrahydronaphthalene.
Toluene.
1,2,4-trichlorobenzene.
Tridecyl alcohol.
Triethyl benzene.
Triethylene glycol.
Turpentine.
Valeraldehyde.
Waxes:
Carnauba.
Paraffin.
Xylene (meta-, ortho-, para-).

(R.S. 4472, as amended, sec. 201, 86 Stat. 424, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46 (b) and (o)(4).)

Effective date.—The requirements for the carriage of cargoes that required a letter of compliance in Navigation and Vessel Circular No. 13-65, dated September 30, 1965, are effective on June 15, 1973. All other requirements are effective on January 1, 1974.

Dated June 7, 1973.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.73-11764 Filed 6-14-73;8:45 am]

federal register

FRIDAY, JUNE 15, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 115

PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Modifications and Supersedeas Decisions to Area Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to Area Wage Determination Decisions

Area wage determination decisions.—Area wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, procedure for predetermination of wage rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged 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 decisions.

Modifications to area wage determination decisions.—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):

Arizona:	
AP–258	Jan. 12, 1973
AP–260	Jan. 19, 1973
AP–901	May 11, 1973
Arkansas:	
AP–734	May 25, 1973
California:	
AP–287	Apr. 6, 1973
AP–905	May 18, 1973
Indiana:	
AP–649; AP–652; AP–653; AP–656; AP–661; AP–663	May 18, 1973
Iowa:	
AM–2,458	Aug. 25, 1971
Louisiana:	
AP–736	June 1, 1973
Maryland:	
AP–492	Mar. 9, 1973
AP–842	June 1, 1973
Minnesota:	
AP–641; AP–647	Mar. 9, 1973
New Mexico:	
AP–730	May 11, 1973
North Dakota:	
AP–263	Mar. 9, 1973
Ohio:	
AP–677; AP–682	May 25, 1973
Oklahoma:	
AP–731	May 11, 1973
Pennsylvania:	
AP–429	Oct. 6, 1972
AP–466; AP–467	Jan. 26, 1973
AP–830; AP–831; AP–834	May 25, 1973
AP–479	Mar. 2, 1973
AP–822	May 18, 1973
AP–481; AP–482; AP–495	Mar. 23, 1973
Texas:	
AP–723; AP–725; AP–728	Apr. 27, 1973
Virginia:	
AP–499	Mar. 30, 1973
Washington:	
AP–283	Apr. 6, 1973
Washington, D.C.:	
AP–823	May 18, 1973

Supersedeas decisions to area wage determination decisions.—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):

Georgia:	
AP–439 (AP–847)	Oct. 20, 1972
Maryland:	
AP–429 (AP–847)	Oct. 20, 1972
New Mexico:	
AM–11,406 (AP–737)	Mar. 24, 1972
North Carolina:	
AP–439 (AP–847)	Oct. 20, 1972
South Carolina:	
AP–439 (AP–847)	Oct. 20, 1972
South Dakota:	
AM–6,719 (AP–908)	Apr. 14, 1972
Virginia:	
AP–439 (AP–347)	Oct. 20, 1972
Washington, D.C.:	
AP–439 (AP–847)	Oct. 20, 1972

Signed at Washington, D.C., this 8th day of June 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

Modifications F. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-258 - Mod.#4 (38 FR 1440 - January 12, 1973) Statewide, Arizona						
Change:						
Roofers (Tucson Area)						
Roofers and waterproofers; Asbestos shingles and tile machine op.:						
Zone A (0-44 miles from Tucson)	$6.92	.40	.10		.02	
Zone B (Over 44 miles from Tucson)	8.17	.40	.10		.02	
Sheet Metal Workers:						
From nearest basing points of Tucson and Douglas City Hall or Administration Building:						
Zone A (0-17 miles)	7.58	.58	1.15		.01	
Zone B (18-23 miles)	8.03	.58	1.15		.01	
Zone C (24-31 miles)	8.48	.58	1.15		.01	
Zone D (32-43 miles)	9.08	.58	1.15		.01	
Zone E (44 miles and over)	9.53	.58	1.15		.01	
DECISION #AP-260 - Mod. #3 (38 FR 2027 - January 19, 1973) Pima County, Arizona						
Change:						
Sheet Metal Workers:						
Zone A (0-17 miles from Tucson)	7.58	.58	1.15		.01	
Zone B (18-23 miles from Tucson)	8.03	.58	1.15		.01	
Zone C (24-31 miles from Tucson)	8.48	.58	1.15		.01	
Zone D (32-43 miles from Tucson)	9.08	.58	1.15		.01	
Zone E (44 miles and over from Tucson)	9.53	.58	1.15		.01	

Modifications F. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-901 - Mod. #2 (38 FR 12526 - May 11, 1973) Cochise, Pima and Santa Cruz Counties, Arizona						
Change:						
Roofers:						
Zone A (0-44 miles from Tucson) Waterproofing, Asbestos, Shingles and Tile	$6.92	.40	.10		.02	
Zone B (Over 44 miles from Tucson) Waterproofing, Asbestos, Shingles and Tile	8.17	.40	.10		.02	
Sheet Metal Workers:						
Zone A (0-17 miles from Tucson)	7.58	.58	1.15		.01	
Zone B (18-23 miles from Tucson)	8.03	.58	1.15		.01	
Zone C (24-31 miles from Tucson)	8.48	.58	1.15		.01	
Zone D (32-43 miles from Tucson)	9.08	.58	1.15		.01	
Zone E (44 miles and over from Tucson)	9.53	.58	1.15		.01	
DECISION #AP-73h - Mod. #2 (38 FR 13919 - May 25, 1973) Pulaski County, Arkansas						
Change:						
CARPENTERS:						
Carpenters	$6.30	.25	.15		.02	
Millwrights	6.55	.25	.15		.02	
Piledrivermen	6.55	.25	.15		.02	

Modifications P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-287 - Mod. #4						
(38 FR 8874 - April 6, 1973)						
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, 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, Tulare, Tuolumne, Yolo and Yuba Counties, California						
Change:						
Bricklayers; Stonemasons:						
Amador, Alpine, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	$7.77	.33	.30	1.00		
Plumbers; Steamfitters:						
Marin, Mendocino, San Francisco and Sonoma Counties	8.23	1.47	.705	.755	.135	
Roofers:						
Monterey County	7.45	.30	.60	1.00		
Add:						
Roofers:						
Santa Cruz County	7.45	.30	.60	1.00		

Modifications P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-905 - Mod. #2						
(38 FR 13139 - May 18, 1973)						
Alameda, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California						
Change:						
Bricklayers; Stonemasons:						
Amador, Calaveras, San Joaquin and Tuolumne Counties	$7.77	.33	.30	1.00		
Plumbers; Steamfitters:						
Marin, San Francisco, and Sonoma Counties	8.23	1.47	.705	.755	.135	
Roofers:						
Monterey County	7.45	.30	.60	1.00		
Add:						
Roofers:						
Santa Cruz County	7.45	.30	.60	1.00		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-649 - Mod. #1 (38 FR 13168 - May 18, 1973) Bartholomew County, Indiana						
Change:						
Carpenters: (Camp Atterbury)						
Carpenters	$8.35	.40	.27		.05	
Millwrights	8.35	.40	.27		.05	
Piledrivermen	8.35	.40	.27		.05	
DECISION #AP-652 - Mod. #1 (38 FR 13177 - May 18, 1973 Delaware County, Indiana						
Change:						
Carpenters and Soft Floor Layers	$7.10	.30	.20		.03	
Millwrights	7.40	.30	.20		.03	
Piledrivermen	7.30	.30	.20		.03	
DECISION #AP-653 - Mod. #1 (38 FR 13180 - May 18, 1973) Grant County, Indiana						
Change:						
Carpenters & Soft Floor Layers	$7.48	.35	.45		.05	
Millwrights	7.73	.35	.45		.05	
Piledrivermen	7.68	.35	.45		.05	
DECISION #AP-656 - Mod. #1 (38 FR 13193 - May 18, 1973) Marion County, Indiana						
Change:						
Soft Floor Layers	$6.80	.25			.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-661 - Mod. #1 (38 FR 13211 - May 18, 1973) Vigo County, Indiana						
Change:						
Millwrights	$6.93	.35	.30		.02	
DECISION #AP-663 - Mod. #1 (38 FR 13221 - May 18, 1973) Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash & White Counties, Indiana						
Change:						
Carpenters:						
Jasper and Newton Counties	$8.66	.50	.57		.05	
DECISION #AM-2,458 - Mod. #2 (36 FR 16830 - August 25, 1971) Webster County (Fort Dodge), Iowa						
Change:						
Building Construction:						
Carpenters:						
Carpenters; Piledrivermen	$6.50					
Millwrights	6.75					

Modifications P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-736 - Mod. #1 (38 FR 14609 - June 1, 1973) Rapides Parish, Louisiana						
Add:						
Power Equipment Operators:						
Heavy Duty Operators:						
Asphalt Spreader; Backhoe; Bulldozer, over D-4 & equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum 4 stories or more; Hoist (2 drums & over); Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Pile-drivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractorvators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)	$6.80	.25	.15			
Light Duty Operators:						
Air Compressor; Asphalt Plant Operator; Bulldozers, D-4 & equivalent & under; Bullfloats; Concrete Spreader; Finishing machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-type Tractor (with all attachments except Backhoe); Fireman; Forklifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized);						
Winch truck, A-Frame (other than handling steel of pipe)	5.83	.25	.15			

Modifications P. 8

DECISION #AP-736 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Scaleman	$5.60	.25	.15			
Oiler-Driver	5.56	.25	.15			
Mechanic Helper	5.32	.25	.15			
Oiler	5.10	.25	.15			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-492 - Mod. #5 (38 FR 6538 - March 9, 1973) Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport						
Change: Bricklayers	$9.10	.40	.40		.10	
DECISION #AP-842 - Mod. #1 (38 FR 14503 - June 1, 1973) Anne Arundel County, Maryland						
Omit: Highway Construction Schedule as originally issued						
Add: Highway Construction Schedule						

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1 of 1

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$4.73					
Cement masons	4.80					
Ironworkers	4.25					
Laborers:						
Laborers	3.00					
Air tool op.(jackhammer, vibrator)	3.70					
Asphalt rakers	3.75					
Hydro seeder	3.25					
Mulch blower	3.00					
Truck drivers	3.00					
Power Equipment Operators:						
Bulldozer	3.40					
Crane	4.25					
Gradall	4.32					
Grader	4.75					
Loader	4.25					
Mechanics	4.16					
Paver	4.08					
Roller	4.25					

Modifications P. 11

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-641 - Mod. #4 (38 FR 6552 - March 9, 1973) St. Louis County (Duluth Only) Minnesota						
Change:						
Asbestos Workers	$8.35	.25	.25			
Plumbers & Steamfitters	6.86	.25	.75	1.00	.05	
Roofers:						
Roofers	7.70	.25	.10	.50		
2nd Roofer	7.45	.25	.10	.50		
Kettlemen	7.25	.25	.10	.50		
Helper	6.15	.25	.10	.50		
Sheet Metal Workers	7.89	.25	.20			
Modification #2 published in Volume 38, Page 14516, June 1, 1973 to Modification #3.						
DECISION #AP-647 - Mod. #4 (38 FR 6574 - March 9, 1973) St. Louis County, (Duluth Only) Minnesota						
Change:						
Asbestos Workers	$8.35	.25	.25			
Plumbers & Steamfitters	6.86	.25	.75	1.00	.05	
Roofers:						
Roofers	7.70	.25	.10	.50		
2nd Roofer	7.45	.25	.10	.50		
Kettlemen	7.25	.25	.10	.50		
Helper	6.15	.25	.10	.50		
Sheet Metal Workers	7.89	.25	.20			
Modification #2 published in Volume 38, Page 14516, June 1, 1973 to Modification #3.						

Modifications P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-730 - Mod. #3 (38 FR 12574 - May 11, 1973) Statewide, New Mexico						
Omit:						
PAINTERS (San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Sierra, Grant, Hidalgo, and Curry Counties):						
Gunnite operator	$5.67	.25	.20			
Steeple jack	6.09	.25	.20			
Change:						
PAINTERS (San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Sierra, Grant, Hidalgo, and Curry Counties):						
Painters, roller & Hand texture	5.52	.30	.20		.01	
Painters, spray, sandblasting, painter on steel bridges, tanks, towers, pipes and structural	6.02	.30	.20		.01	
Paperhangers	5.77	.30	.20		.01	
Drywall finisher:						
Ames tool operator	6.10	.30	.20		.01	
Hand finisher, machine texture	5.85	.30	.20		.01	
Painting 30 to 75 feet above ground or floor	6.17	.30	.20		.01	
Painters 75 feet or more above ground or floor - 1/2 cent per foot above the 75 foot scale		.30	.20		.01	
IRONWORKERS:						
Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, and Valencia Counties	7.09	.10	.65			
Dona Ana County with the exception of that portion of the county that lies within the White Sands Missile Ranges; Chaves and Eddy County except the Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180 east of Carlsbad	7.19	.10	.50		.05	

DECISION #AP-730 - Mod. #3 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
IRONWORKERS:						
Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero, and Sierra Counties; also Potash Basin, White Sands and McGregor Ranges	$8.19	.40	.50		.05	

DECISION #AP-268 - Mod. #2
(38 FR 6615 - March 9, 1973)
Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Bricklayers; Stonemasons:						
Building Construction:						
Cass and Richland Counties	$7.50	.40	.15	.30		

Modifications P. 15

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-677 -Mod. #1 (38 FR 14026- May 25, 1973) Mahoning County, Ohio						
Change:						
Electricians:						
Smith - Township	$8.90	.30	1%+.10		2/10of1%	
DECISION #AP-682 -Mod. #1 (38 FR 14047- May 25, 1973) Trumbull County, Ohio						
Change:						
Bricklayers	$8.20	.35	.20		.02	
Bricklayers, sawmen	8.45	.35	.20		.02	
Stonemasons	8.20	.35	.20		.02	
Add:						
POWER EQUIPMENT OPERATORS						
Class I	8.62	.35	.50		.12	
Class II	8.13	.35	.50		.12	
Class III	7.92	.35	.50		.12	
Class IV	7.56	.35	.50		.12	
Oiler	7.46	.35	.50		.12	
Riggs-pile driving or caisson type	8.89	.35	.50		.12	
TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION)						
4-wheel service and dump trucks, Batch trucks, oil distributors, asphalt distributors	5.41	a $6.00				
Tandem trucks	5.46	a $6.00				
Tractor-trailer combinations: Semitractor trucks, fuel trucks, pole trailers, readymix trucks	5.51	a $6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a $6.00				
Euclid end-dumps and wagons, lowboys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a $6.00				
All trucks five axle and over	5.61	a $6.00				
FOOTNOTES:						
a. Per week per employee.						

Modifications P. 16

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-731 - Mod. #1 (38 FR 12592 - May 11, 1973) Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie Counties, Oklahoma						
Omit:						
PAINTERS:						
Brush, taping and bedding	$5.55	.30	.25	.15	.02	
Spray painting and sandblasting under 30 feet	6.05	.30	.25	.15	.02	
Spray work and sandblasting over 30 feet	6.55	.30	.25	.15	.02	
Paperhangers	6.55	.30	.25	.15	.02	
Hazardous work	6.05	.30	.25	.15	.02	
Add:						
PAINTERS:						
Brush	6.05	.35	.25	.15	.02	
Spray under 30 feet	6.55	.35	.25	.15	.02	
Spray over 30 feet	7.05	.35	.25	.15	.02	
Paperhangers	7.05	.35	.25	.15	.02	
Sandblasters	6.55	.35	.25	.15	.02	
Smoke stacks, towers, swing stage, chair work and window jack	6.55	.35	.25	.15	.02	
DECISION #AP- 429 - Mod. #5 (37 FR 21255 - October 6, 1972) Berks County, Pennsylvania						
Change:						
Building Construction:						
Electricians:						
Herford, Longswamp & Washington Twps. portion of Maxatawney, Twp. east of Sacony Creek	$8.575	.20	1%		.01	
Marion, Tulpehocken & Bethel Twps.	7.81	.20	1%		.01	
Remainder of County	8.74	.28	1%		.03	
Ironworkers:						
Structural, ornamental and reinforcing	8.29	g			.01	
Painters:						
Brush	6.86	.45	.26	.20		
Bridge, tower, stacks and tanks	8.31	.45	.26	.20		
Spray and steel	9.91	.45	.26	.20		
Sandblasting and steamcleaning	8.06	.45	.26	.20		
Plumbers	8.42	.57	.92		.05	
Steamfitters	8.42	.57	.92		.05	
Footnote:						
g. Employer contributes $1.50 to a combined Health and Welfare and Pension Fund.						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-466 - Mod. #5 (38 FR 2615 - January 26, 1973) Centre, Clearfield, Jefferson and Green Counties, Pennsylvania						
Change: Power Equipment Operators Classification #4 To Read:						
DECISION #AP-467 - Mod. #5 (38 FR 2618 - January 26, 1973) Beaver County, Pennsylvania						
Change: Power Equipment Operators Classification #4 To Read:						
DECISION #AP-830 - Mod. #1 (38 FR 14053 - May 25, 1973) Butler, Cambria, Fayette and Somerset Counties, Pennsylvania						
Change: Power Equipment Operators Classification #4 To Read:						
DECISION #AP-831 - Mod. #1 (38 FR 14055 - May 25, 1973) Armstrong, Blair, Crawford, Indiana, McKean, Venango, and Warren Counties, Pennsylvania						
Change: Power Equipment Operators Classification #4 To Read:						

DECISION NOS: AP-466, AP-467, AP-830, AP-831 (Cont'd.)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (self-propelled) Elevator (Material hauling only) Fork-lift (Ridden or self-propelled) Form Line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller Tie Tamper (Multi-head) Tractor-smaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	$5.16	.35	.50		.04	

Modifications P. 19

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-479 - Mod. #4 (38 FR 765 - March 2, 1973) Mercer County, Pennsylvania						
Change: Heavy and Highway Power Equipment Operators Classification #4						
See below ***						
DECISION #AP-822 Mod. #3 (38 FR 13295 - May 18, 1973) Lawrence County, Pennsylvania						
Change: Heavy and Highway Power Equipment Operators Classification #4						
See Below ***						
DECISION #AP-834 - Mod. #1 (38 FR 14060 - May 25, 1973) Erie County, Pennsylvania						
Change: Heavy and Highway Power Equipment Operators Classification #4						
*** Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (self-propelled) Elevator (Material hauling only) Fork-lift (Ridden or self-propelled) Form Line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	$5.16	.35	.50		.04	

Modifications P. 20

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-481 - Mod. #4 (38 FR 7757 - March 23, 1973) Washington County, Pennsylvania						
Change: Heavy and Highway Power Equipment Operators Classification #4						
See below ***						
DECISION #AP-482 - Mod. #4 (38 FR 7764 - March 23, 1973) Westmoreland County, Pennsylvania						
Change: Heavy and Highway Power Equipment Operators Classification #4						
See below ***						
DECISION #AP-495 - Mod. #3 (38 FR 7771 - March 23, 1973) Allegheny County, Pennsylvania						
Change: Heavy and Highway Power Equipment Operators Classification #4						
*** Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (self-propelled) Elevator (Material hauling only) Fork-lift (Ridden or self-propelled) Form Line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	$5.16	.35	.50		.04	
Electricians (Bldg.)	9.10	.32	.20+1%	.60	.05	

Modifications P. 21

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-723 - Mod. #2 (38 FR 10591 - April 27, 1973) Travis County, Texas						
Change: Building Construction: Ironworkers: Structural; Ornamental; Reinforcing	$6.765	.40	.50		.12	
DECISION #AP-725 - Mod. #1 (38 FR 10597 - April 27, 1973) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas						
Change: Building Construction: Carpenters: Carpenters	7.00					
Millwrights	7.25					
Ironworkers: Structural; Ornamental; Reinforcing	6.85	.40	.50		.05	
DECISION #AP-728 - Mod. #3 (38 FR 10606 - April 27, 1973) Nueces County, Texas						
Change: Building Construction: Ironworkers: Structural; Ornamental	5.39	.40	.40		.04	
Reinforcing	5.265	.40	.40		.04	

Modifications P. 22

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-499 - Mod. #2 (38 FR 8410 - March 30, 1973) Henrico County and the City of Richmond, Virginia						
Change: Ironworkers; structural, ornamental and reinforcing: Zone I-up to 10 miles from Capital Square	$6.85	.30	.30		.05	
Zone II - 10 miles to 30 miles from Capital Square	7.10	.30	.30		.05	
Zone III - 30 miles and beyond Capital Square	7.35	.30	.30		.05	
DECISION #AP-283 - Mod. #4 (38 FR 8920 - April 6, 1973) Statewide, Washington						
Change: Asbestos Workers: Remaining Counties	$7.96	.44	.72			
Bricklayers: Lewis, Mason and Thurston Counties	7.15	.40	.30			
Marble Masons: Lewis, Mason and Thurston Counties	7.15	.40	.30			
Terrazzo Workers: Lewis, Mason and Thurston Counties	7.15	.40	.30			
Tile Setters: Lewis, Mason and Thurston Counties	7.15	.40	.30			
Add: Glaziers: Walla Walla, Benton, Franklin, Columbia and Southeasten portion of Adams	6.20	.25	.10	e+.27		
Spokane, Ferry, Stevens, Pend Oreille, Eastern half of Lincoln, and Northern Eastern ½ of Adams Counties	6.345	.25		f+.28		
Okanogan, Chelan, Douglas, Grant, Western half of Ferry and Lincoln, and the Southwestern Corner of Adams Counties	5.95	.21	.15	.21		

FOOTNOTES:
e. Employer contribution of 14 cents per hour for paid holidays.
f. Employer contribution of 17½ cents per hour for paid holidays.

Modifications P. 23

DECISION #AP-823 - Mod. #1
(38 FR 13304 - May 18, 1973)
Washington, D. C.

Change:
Building, Sewer and Water and Highway Construction:
Bricklayers

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other
$9.10	.40	.40		.10	

SUPERSEDEAS DECISION

STATES: Maryland, Georgia, North Carolina, South Carolina, Virginia and Washington, D. C.

DECISION NO: AP-847 DATE: Date of Publication

Supersedes Decision No. AP-439, dated October 20, 1972, in 37 FR 22701.

DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the southern border of Maryland to the northern border of Florida, including the Chesapeake Bay but excluding the Chesapeake and Delaware Canal, Baltimore City and Baltimore County, Maryland.

DREDGE-2-ATLANTIC-L 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
HYDRAULIC DREDGES 20" AND OVER						
Leverman and engineer	$5.59	.25	.15	a		
Mate	4.92	.25	.15	a		
Welder	5.11	.25	.15	a		
Derrick operator	5.34	.25	.15	a		
Spill barge operator	5.20	.25	.15	a		
Spider barge operator	5.20	.25	.15	a		
Tug master	4.86	.25	.15	a		
Carpenter	5.31	.25	.15	a		
Tug mate	4.58	.25	.15	a		
Electricians	5.45	.25	.15	a		
Mechanist	5.25	.25	.15	a		
Steward	4.09	.25	.15	a		
Oiler and fireman	3.93	.25	.15	a		
Deckhand, tug deckhand	3.59	.25	.15	a		
Shoreman	3.50	.25	.15	a		
Second cook	3.59	.25	.15	a		
Messman	3.50	.25	.15	a		
HYDRAULIC DREDGES UNDER 20"						
Leverman	5.07	.25	.15	a		
First engineer	4.76	.25	.15	a		
Second engineer	4.63	.25	.15	a		
Third engineer	4.49	.25	.15	a		
Welder	4.86	.25	.15	a		
Mate	4.19	.25	.15	a		
Oiler and firemen	3.87	.25	.15	a		
Deckhand	3.59	.25	.15	a		
Launchman	3.93	.25	.15	a		
Shoreman	3.50	.25	.15	a		
Spill and spider barge operators	4.33	.25	.15	a		
Cook	3.87	.25	.15	a		
Mess cook	3.56	.25	.15	a		
Messman and janitor	3.47	.25	.15	a		
DIPPER AND CLAMSHELL DREDGES						
Operator	5.45	.25	.15	a		
Craneman	5.31	.25	.15	a		
First engineer	4.58	.25	.15	a		
Second engineer	4.46	.25	.15	a		
Third engineer	4.19	.25	.15	a		
Welder	4.86	.25	.15	a		
Mate	4.52	.25	.15	a		
Fireman	3.92	.25	.15	a		
Deckhand	3.59	.25	.15	a		
Launchman	3.93	.25	.15	a		
Scowman	3.67	.25	.15	a		
Cook	3.87	.25	.15	a		
Mess cook	3.56	.25	.15	a		
Messman and janitor	3.47	.25	.15	a		

DREDGE-2-ATLANTIC-L 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
TUGS (TENDING DIPPER & CLAMSHELL DREDGES)						
Tug master	$4.98	.25	.15	a		
Tug mate	4.65	.25	.15	a		
Engineer	4.98	.25	.15	a		
Assistant engineer	4.52	.25	.15	a		
Dekchand	3.53	.25	.15	a		
Cook	3.67	.25	.15	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, plus 5% of straight time pay.

SUPERSEDEAS DECISION

STATE: Arizona
DECISION NUMBER: AP-909
COUNTIES: Greenlee and Maricopa
DATE: Date of Publication
Supersedes Decision No. AP-293 dated April 20, 1973, in 38 FR 9923.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.48	.50	.65		.01	
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
(Maricopa County and Greenlee County North of Gila and San Francisco River)						
From City Hall of Phoenix:						
Zone A (0-25 miles)	8.85	.35	.30		.03	
Zone B (25-40 miles)	9.74	.35	.30		.03	
Zone C (40-70 miles)	10.18	.35	.30		.03	
Zone D (70-100 miles)	10.62	.35	.30		.03	
Zone E (100-200 miles)	11.06	.35	.30		.03	
Zone F (200 miles and over)	11.51	.35	.30		.03	
BRICKLAYERS; Stonemasons:						
(Greenlee County South of Gila and San Francisco River)						
Zone A (Tucson City limits through 10 miles)	8.575	.40	.30		.02	
Zone B (Tucson City limits 10-25 mi.)	8.95	.40	.30		.02	
Zone C (Tucson City limits 25-40 mi.)	9.325	.40	.30		.02	
Zone D (Tucson City limits over 40 miles)	10.075	.40	.30		.02	
CARPENTERS:						
Carpenters	7.75	.35	.60		.025	
Piledrivermen	8.00	.35	.60		.025	
Millwrights	8.125	.35	.60		.025	
CEMENT MASONS	7.585	.35	.65		.025	
DRYWALL INSTALLERS:						
From Court House in Phoenix, Mesa, incl. Williams AFB and Luke AFB						
Tapers:						
Zone A (0-40 miles)	6.00	.225				
Zone B (40-60 miles)	7.00	.225				
Zone C (60 miles and over)	7.25	.225				
Texture Spraymen:						
Zone A (0-40 miles)	6.10	.225				
Zone B (40-60 miles)	7.10	.225				
Zone C (60 miles and over)	7.35	.225				
ELECTRICIANS:						
(Maricopa County)						
Zone A (Power Road on East from Hunt Highway on South to 1 mile South of Pinnacle Peak on the North - 1 mile South of Pinnacle Peak to Cotton Lane on the West - Cotton Lane to Pecos Road on the South - Pecos Road to Price Road to Hunt Highway on the South - Hunt Highway to Power Road on the East and incl. Luke AFB and Williams AFB):						
Electricians	$8.95	.30	1%+.60		5%	
Cable splicers	9.36	.30	1%+.60		5%	
Zone B (From outside edge of Zone A thru 16 road miles):						
Electricians	10.60	.30	1%+.60		5%	
Cable splicers	11.10	.30	1%+.60		5%	
Zone C (Commence at 16 road miles from outside edge of Zone A and extends to outside limits of union jurisdiction):						
Electricians	11.43	.30	1%+.60		5%	
Cable splicers	11.97	.30	1%+.60		5%	
ELECTRICIANS:						
(Greenlee County)						
Zone A (Within 16 miles of City Hall, Tucson)	9.175	.45	1%		5%	
Zone B (From 16-32 miles from City Hall, Tucson)	9.875	.45	1%		5%	
Zone C (From 32-48 miles from City Hall, Tucson)	10.475	.45	1%		5%	
Zone D (48 miles and over from City Hall, Tucson)	11.175	.45	1%		5%	
ELEVATOR CONSTRUCTORS	7.58	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS	8.58	.58	.625		.04	
LATHERS:						
(Maricopa County and Northern Half of Greenlee County)						
Zone I (up to 35 miles from Phoenix)	5.60	.175			.04	
Zone II (15 miles beyond Zone I)	5.93	.175			.04	
Zone III (20 miles beyond Zone II)	6.26	.175			.04	
Zone IV (Area outside Zone III)	6.60	.175			.04	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LATHERS:						
(Southern half of Greenlee County)						
Zone A (0-30 miles from Tucson)	$8.66	.20				
Zone B (30-40 miles from Tucson)	9.16	.20				
Zone C (40-50 miles from Tucson)	9.41	.20				
Zone D (Over 50 miles from Tucson)	10.16	.20				
MARBLE SETTERS:						
Zone I-VI (0-40 miles from Phoenix)	7.39	.35	.30		.01	
Zone VII (40-60 miles from Phoenix)	8.515	.35	.30		.01	
Zone VIII (60-80 miles from Phoenix)	9.265	.35	.30		.01	
Zone IX (Over 80 miles from Phoenix)	9.265	.35	.30		.01	
PAINTERS:						
(Cities of Gila Bend and Sentinel):						
Brush	7.50	.29	.25		.02	
Spray	8.00	.29	.25		.02	
Structural steel	8.45	.29	.25		.02	
(Remainder of Maricopa County and Northern 2/3's of Greenlee County)						
Zone A (0-40 miles from Court House in Phoenix; Williams AFB and Luke AFB):						
Brush; Soft floor layers	6.775	.275	.20	.50	.02	
Spray	7.025	.275	.20	.50	.02	
Steel and bridge, brush	7.125	.275	.20	.50	.02	
Spray (steel and bridge)	7.325	.275	.20	.50	.02	
Zone B (41-60 miles from Court House in Phoenix):						
Brush; Soft floor layers	7.775	.275	.20	.50	.02	
Spray	8.025	.275	.20	.50	.02	
Steel and bridge, brush	8.125	.275	.20	.50	.02	
Spray (steel and bridge)	8.325	.275	.20	.50	.02	
Zone C (60 miles and over from Court House in Phoenix):						
Brush; Soft floor layers	8.275	.275	.20	.50	.02	
Spray	8.525	.275	.20	.50	.02	
Steel and bridge, brush	8.625	.275	.20	.50	.02	
Spray (steel and bridge)	8.825	.275	.20	.50	.02	
(Southern 1/3 of Greenlee County)						
Painters, brush:						
Zone A (1-30 miles from Tucson P.O.)	6.25	.29	.25		.02	
Zone B (31-40 miles from Tucson P.O.)	7.00	.29	.25		.02	
Zone C (41-50 miles from Tucson P.O.)	7.25	.29	.25		.02	
Zone D (51 miles and over from Tucson P.O.)	7.50	.29	.25		.02	
Painters, Structural steel, brush:						
Zone A (1-30 miles from Tucson P.O.)	7.20	.29	.25		.02	
Zone B (31-40 miles from Tucson P.O.)	7.95	.29	.25		.02	
Zone C (41-50 miles from Tucson P.O.)	8.20	.29	.25		.02	
Zone D (51 miles and over from Tucson P.O.)	8.45	.29	.25		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS:						
(City of Sentinel, portion of Maricopa County South thereof and Northern half of Greenlee County)	$9.62	.35	.60			
(Remainder of Maricopa County and Southern half of Greenlee County						
Zone A (0-40 miles from Phoenix)	7.25	.30	.50		.035	
Zone B (40-60 miles from Phoenix)	7.75	.30	.50		.035	
Zone C (60-80 miles from Phoenix)	8.00	.30	.50		.035	
Zone D (80 miles and over from Phoenix)	8.875	.30	.50		.035	
PLUMBERS:						
(Zone Bases Phoenix and Tucson):						
Zone I (0-15 miles)	8.00	.45	.97	.75	.10	
Zone II (15-30 miles)	8.30	.45	.97	.75	.10	
Zone III (30-45 miles)	8.65	.45	.97	.75	.10	
Zone IV (45 miles and beyond)	9.75	.45	.97	.75	.10	
ROOFERS:						
(Maricopa County)						
Roofers and Waterproofers	6.10	.30	.20		.02	
Pitch and enamelers	6.60	.30	.20		.02	
(Greenlee County)						
Zone A (0-44 miles from Tucson): Asbestos; Shingles; Tile and Waterproofing	6.92	.40	.10		.02	
Zone B (Over 44 miles from Tucson)	8.17	.40	.10		.02	
SHEET METAL WORKERS:						
(Maricopa County and Northern half of Greenlee County)						
Zone I (0-25 miles from Phoenix)	7.59	.27	.32		.02	
Zone II (25-30 miles from Phoenix)	8.22	.27	.32		.02	
Zone III (50 miles and over from Phoenix)	9.56	.27	.32		.02	
SHEET METAL WORKERS:						
(Southern half of Greenlee County)						
Zone A (0-17 miles from Tucson)	7.58	.58	1.15		.01	
Zone B (18-23 miles from Tucson)	8.03	.58	1.15		.01	
Zone C (24-31 miles from Tucson)	8.48	.58	1.15		.01	
Zone D (32-43 miles from Tucson)	9.08	.58	1.15		.01	
Zone E (44 miles and over from Tucson)	9.53	.58	1.15		.01	
SPRINKLER FITTERS	8.70	.30	.50		.05	
TERRAZZO WORKERS:						
Zone I-VI (0-40 miles from Phoenix)	7.96					
Zone VII (40-60 miles from Phoenix)	9.085					
Zone VIII (60-80 miles from Phoenix)	9.835					
Zone IX (Over 80 miles from Phoenix)	9.835					

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Zone I (0-30 miles from Phoenix)						
Cable splicers	$9.17	.23	1¼+.60		½%	
Linemen	8.85	.23	1¼+.60		½%	
Equipment operators	8.33	.23	1¼+.60		½%	
Groundmen	7.22	.23	1¼+.60		½%	
Zone II (Other Areas)						
Cable splicers	10.30	.23	1¼+.60		½%	
Linemen	10.00	.23	1¼+.60		½%	
Equipment operators	9.49	.23	1¼+.60		½%	
Groundmen	8.43	.23	1¼+.60		½%	

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.

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	
LABORERS:						
GROUP I						
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool Diggers and Installers; Chat Box Man; Checker, Tool Dispatcher; Concrete Dump Man-belt, Pipe and/or Hogeman; Dumpman and/or Spotter; Fence Builder, Guard Rail Builder Hwy.; Form Strippers; Labor, General or Construction; Landscape Gardener & Nurseryman; Packing Rod Steel and Pans; Rip Rap Stoneman	$5.53	.35	.60		.05	
GROUP II						
CEMENT FINISHER TENDER; Concrete Curer (Impervious membrane); Cutting Torch Operator; Fine Grader (Highway, Engineering and Sewer Work only); Kettleman - Tarman; Power Type Concrete Buggy	5.64	.35	.60		.05	
GROUP III						
BANDER; CHUCKTENDER (except Tunnel); Creosote Tieman; Guinea Chaser; Powderman Helper; Rip-Rap Stone Paver; Sandblaster (Pot Tender); Spikers & Wrenchers	5.75	.35	.60		.05	
GROUP IV						
CEMENT DUMPERS (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 Wrapper; Pneumatic Gopher; Rigger/signalman (pipeline)	5.83	.35	.60		.05	

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
GROUP V						
AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt Rakers and Ironers; Driller; Grade Setter (pipeline); Hand Guided Trencher and Similar Operated Equipment; Jackhammer and/or Pavement Breakers; Pipe Layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock Slinger; Scaler (using Bos'ns Chair or Safety Belt); Tampers (mechanical - all types)	$5.97	.35	.60		.05	
GROUP VI						
CONCRETE CUTTING TORCH; CONCRETE SAW (Hand guided); Driller (Core, Diamond, Wagon or Air Track); Drill Doctor and/or Air Tool Repairman; Gunman and Mixerman (Gunite); Sandblaster (Nozzleman)	6.275	.35	.60		.05	
GROUP VII						
CONCRETE ROAD FORM SETTER; Gunite Nozzleman or Rodman; Drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; Powder Man; Scaler (Drillers); Welders and/or Pipe Layers installing process piping	6.785	.35	.60		.05	
MASON TENDERS	6.135	.35	.60		.05	
PLASTERERS' TENDERS	6.45	.35	.60		.05	
Employees working underground shall receive twenty cents (20¢) per hour additional above the regular rate, except where herein specifically covered						

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Cr
Laborers employed where they may have a free fall over thirty (30) feet or on construction scaffolds above thirty (30) feet or Bos'n Chair above thirty (30) feet, or where gas masks are necessary, shall receive fifty cents (50¢) per hour in addition to their regular rate, except where inherent in classifications.						
TUNNEL AND SHAFT WORKERS						
GROUP I						
BULL GANG, MUCKERS, TRACKMAN; DUMPMEN; Concrete Crew (includes Rodders and Spreaders); Grout Crew; Swamper (Brakeman and Switchmen on Tunnel Work)	$5.725	.35	.60		.05	
GROUP II						
NIPPER; CHUCKTENDER, CABLETENDER; Vibratorman, Jackhammer, Pneumatic Tools (except Driller)	5.86	.35	.60		.05	
GROUP III						
GROUT GUNMAN	5.96	.35	.60		.05	
GROUP IV						
TIMBERMAN, RETIMBERMAN - wood or steel Blaster, Driller Powderman; Cherry Pickerman; Powderman - Primer House; Steel Form Raiser and Setter; Kemper and other Pneumatic Concrete Placer Operator; Miner - Finisher	6.06	.35	.60		.05	
GROUP IV - A						
MINERS - Tunnel (Hand or Machine)	6.26	.35	.60		.05	
GROUP V						
DIAMOND DRILL	6.395	.35	.60		.05	
GROUP V-A						
SHAFT AND RAISE MINER WELDER	6.595	.35	.60		.05	

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
Group I Air Compressor Operator; Field Equip-Servicemen Helper; Heavy Duty Repair Helper; Heavy Duty Welder Helper; Oiler; Pump Operator	$6.42	.45	.50		.02	
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	.45	.50		.02	
Group III Concrete Mixer Operator-Skip-Type; Dinky Operator - (under 20 tons wt.); Drivermoto Paver, Slurry Seal Machine, and similar type equipment; Motor Crane Driver; Power Sweeper Operator-Self-propelled; Ross 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	.45	.50		.02	
Group IV A-Frame Boom Truck or Winch Truck Operator; Asphalt Plant Firemen; Elevator Hoist Operator (including Tuskey 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; Screed Operator; Self-propelled Chip Spreading Machine Operator (including Slurry Seal Machine Operator) Stationary Pipewrapping and Cleaning Machine Operator; Tugger Operator	7.57	.45	.50		.02	

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
Group V Aggregate Plant Operator (including crushing screening and sand plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Beltcrete Machine; Boring 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 Signalman; Kolman Belt Loader 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 Rigger; Pneumatic-tired Scraper Op. (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment) up to & 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 Compactor, with blade; Skip Loader Operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip 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	.45	.50		.02	
Group V-A Heavy Duty Mechanic and/or Welder; Pneumatic tired scraper, all sizes & types over 12 cu. yds. up to & incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat D-W Hancock, and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching Machine Op.	8.27	.45	.50		.02	

POWER EQUIPMENT OPERATORS: (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group VI Auto-Grade Machine (CMI and similar equipment); Boring Machine Operator (including Mole, Badger 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 MRC; 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); Mass 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; Mucking Machine Operator; Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tired Scraper Op. - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds. MRC); 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. (including Gunnert, Zimmerman & similar 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, Clamshell, etc., up to 8 cu. yds.	$8.55	.45	.50		.02	
Group VII Crane Operator - Pneumatic or Crawler (100 ton hoisting capacity and over MRC 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)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group VII (Cont'd) head and tail tower; Remote Control Earth Moving Equipment Operator; Skip Loader Operator - all types with rated capacity of 8 cu. yds. or more; Universal Equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over	$9.05	.45	.50		.02	

MULTIPLE-UNIT EARTH MOVING EQUIPMENT:
Tractor Operator-Pneumatic-tired or track type, two units - fifty cents (50¢) 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, Oiler, & Motor Crane Drivers on equipment with booms of 80 & 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, clamshells, 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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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
GROUP I						
PICKUP; Station Wagon; Teamsters	$5.67	.35	.60		.02	
GROUP II						
BUGGYMOBILE, 1 C. Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus driver; 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); Dumptor or dumpster, 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); Dumptor or dumpster, 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 (Dart, euclid and other similar type end dumps, single unit) less than 16 c. y.	6.36	.35	.60		.02	
GROUP V - A						
OIL TANKER OR SPREADER TRUCK DRIVER and/or Bootman, Retortman 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);						

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TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VI (cont'd)						
Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	$6.61	.35	.60		.02	
GROUP VII						
BULK CEMENT SPREADER (8 AXLE); Dump (8 axle); Flatrack (8 axle)	6.95	.35	.60		.02	
GROUP VIII						
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other teamsters classifications; Bulk cement spreader (9 axle); Dump (9 axle); Dumptor or dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 axle); Rock truck (dart, euclid, or other similar end dump types) 16 c.y. and over	7.365	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER	8.24	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER HELPER	6.39	.35	.60		.02	
FIELD EQUIPMENT SERVICEMAN or FUEL Truck driver	7.98	.35	.60		.02	
Combination Man - 30¢ over the highest rated work						
Multiple-unit equipment driver - two units 50¢ per hour more than the base single unit rate established in Group 8 above; and $1.00 per hour for each additional unit						

SUPERSEDEAS DECISION

STATE: New Mexico
Decision No. AP-737
Supersedes Decision No. AP-11,406 dated March 24, 1972 in 36 FR 16753
COUNTY: Statewide
DATE: Date of Publication
DESCRIPTION OF WORK: Street, Highway, Utility, and Light Engineering Construction.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Carpenters	$4.57	.10	.20	.10	.04	
Power saw operator-saw filer	4.72	.10	.20	.10	.04	
Millwright & piledriver	4.82	.10	.20	.10	.04	
Cement masons	4.94	.26				
Ironworkers:						
Reinforcing	4.58	.25	.25			
Structural	6.53	.35	.50			
Painters:						
Brush	4.57					
Spray	4.33					
Laborers:						
Unskilled:						
Common laborer; carpenter tender; concrete buggy operator (hand); concrete workers	2.56	.20	.15			
Wagon, air track, drill & diamond drillers' tender (outside)	2.71	.20	.15			
Air & power tool man; asphalt raker; batching plant scaleman; tenderers (to cement mason & plasterer); chain sawman; concrete power buggyman; concrete touchupman; concrete sawman; curbing machine; asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer & mason tender; powderman or blaster helper; sandblaster; scaler; vibrator-man (Hand type); vibratory compactor (hand type)	2.86	.20	.15			
Gunite pumpcreteman & nozzleman; multiplate setter	3.16	.20	.15			
Wagon, air track, drill & diamond driller (Outside)	2.86	.20	.15			
Manhole builder	3.36	.20	.15			
Pipelayer	3.16	.20	.15			
Powderman - blaster - makeup	3.31	.20	.15			
Power Equipment Operators:						
Concrete paving curing machine	3.64	.15	.10		.01	
Concrete paving form grader; concrete paving gang vibrator; concrete paving joint or saw machine; concrete paving sub grader	4.42	.15	.10		.01	
Power Equipment Operators Cont'd:						
Belt type conveyors (material & concrete); Broom (self-propelled); fork lift; grease truck operator; head oiler; hydro lift; tractor (under 50 drawbar H.P. with attach).	$3.84	.15	.10		.01	
Tractor with backhoe attachment	4.39	.15	.10		.01	
Subgrade or base finisher	4.42	.15	.10		.01	
Concrete slip-form paving machine	4.64	.15	.10		.01	
Asphalt distributor; asphalt paving or lay down machine; asphalt retort heater; batch or continous mix plant (concrete, soil-cement or asphalt); Mixer, heavy duty; asphalt or soil-cement; motor grader; tractor (50 drawbar H.P. or over); trenching machine; clam type shaft mucker	4.44	.15	.10		.01	
Concrete paving finishing machine; concrete paving longitudinal float; gunnite machine; jumbo form or drilling stage slusher	4.64	.15	.10		.01	
Concrete paver mixer; hoist (2 drums & over); side boom	4.59	.15	.10		.01	
Derrick, cableway	5.02	.15	.10		.01	
Traveling crane, piledriver	4.59	.15	.10		.01	
Mine hoist	4.79	.15	.10		.01	
Mucking machine	4.79	.15	.10		.01	
Backhoe, clamshell, dragline, gradall, shovel:						
Under 3/4 cy	4.44	.15	.10		.01	
3/4 cy to 3 cy	4.59	.15	.10		.01	
Over 3 cy	4.79	.15	.10		.01	
Bulldozer; elevating grader or belt loader; roller (steel wheel); scraper operator	4.44	.15	.10		.01	
Bulldozer (multiple units); scraper (multiple units)	4.79	.15	.10		.01	
Concrete paving spreader	4.64	.15	.10		.01	
Pumpcrete machine	4.64	.15	.10		.01	
Cranes (crawler or mobile);						
Under 20 ton	4.44	.15	.10		.01	
20 ton to 40 ton	4.59	.15	.10		.01	
Over 40 ton	4.79	.15	.10		.01	
Air compressor (300 CFM & over); crushing screening & washing plants; drilling machine (cable, core or rotary); mixer, concrete (1 cy & less); pump (6 inch intake or ober); winch truck; hoist (1 drum); industrial locomotive motorman; lumber stacker	4.44	.15	.10		.01	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators Cont'd:						
Front End loader:						
1-½ cy or less	$3.84	.15	.10		.01	
Over 1-½ cy to 6 cy	4.44	.15	.10		.01	
Over 6 cy	4.59	.15	.10		.01	
Industrial locomotive brakeman; tractor (under 50 drawbar HP without attachments); fireman; oiler; screedman	3.84	.15	.10		.01	
Mechanic and/or welder	4.47	.15	.10		.01	
Mixer, concrete (over 1 cy)	4.59	.15	.10		.01	
Grout pump operator	4.64	.15	.10		.01	
Power plant (electrical generator or welding machine)	4.39	.15	.10		.01	
Roller (pull type)	3.94	.15	.10		.01	
Mulching machine; roller (self-propelled)	3.94	.15	.10		.01	
Mole operator	6.09	.15	.10		.01	
Truck Drivers:						
Distributor (asphalt)	3.78					
Dumpster or dumptor	3.86					
Dump or batch truck:						
Under 8 cy	3.57					
8 cy and under 16 cy	3.67					
16 cy and under 20 cy	3.81					
20 cy and over	3.86					
Diesel-powered transport (non-self-loading) 10 yds. & over	4.09					
Flat bed:						
1-½ ton or under	3.57					
Over 1-½ ton	3.72					
Lumber carrier	3.60					
Lowboy, heavy equipment	4.19					
Lowboy, light equipment	3.81					
Off-highway hauler	3.84					
Pick-up truck 3/4 ton or under	3.42					
Service station attendant	3.46					
Spreader box	3.51					
Spreader box (self-propelled)	3.75					
Swamper or rider helper	3.38					
Tank Truck:						
3,000 gal. or under	3.65					
3,001 gal. to 6,000 gal.	3.75					
6,001 gal. & over	3.85					
Teamster, 2 or 4 or more	3.38					
Trailer or semi-trailer dump	3.94					
Transit mix	3.81					
Warehouseman	3.56					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BERNALILLO COUNTY						
LINE CONSTRUCTION (NEW MEXICO - A)						
CABLE SPLICERS	$7.16	.25	1%		1/2%	
LINEMEN	6.66	.25	1%		1/2%	
TECHNICIANS	6.66	.25	1%		1/2%	
EQUIPMENT OPERATORS	6.34	.25	1%		1/2%	
EQUIPMENT MECHANICS	5.81	.25	1%		1/2%	
POWDERMAN	5.81	.25	1%		1/2%	
GROUNDMEN & JACKHAMMER OPERATORS:						
1st 6 months	3.52	.25	1%		1/2%	
2nd 6 months	4.00	.25	1%		1/2%	
Experienced	4.67	.25	1%		1/2%	
STATEWIDE (EXCEPT BERNALILLO COUNTY)						
LINE CONSTRUCTION (NEW MEXICO - B)						
CABLE SPLICERS	7.82	.25	1%		1/2%	
LINEMEN	7.29	.25	1%		1/2%	
TECHNICIANS	7.29	.25	1%		1/2%	
EQUIPMENT OPERATORS	6.93	.25	1%		1/2%	
EQUIPMENT MECHANICS	6.34	.25	1%		1/2%	
POWDERMAN	6.34	.25	1%		1/2%	
GROUNDMEN & JACKHAMMER OPERATORS:						
1st 6 months	3.85	.25	1%		1/2%	
2nd 6 months	4.37	.25	1%		1/2%	
Experienced	5.11	.25	1%		1/2%	

STATE: South Dakota
DECISION NUMBER: AP-908
COUNTY: Statewide
DATE: Date of Publication
Supersedes Decision No. AM-6,719 dated April 14, 1972 in 37 FR 7463
DESCRIPTION OF WORK: Highway Construction

1-South Dakota-2-3-d (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Concrete Finisher	$4.56					
Form Builder	4.56					
Form Setter	4.56					
Painter	3.76					
LABORERS:						
Air tool operator	3.36					
Common laborer	3.36					
Landscape workers	3.36					
Form builder helpers (bridge and culvert)	3.76					
Manhole builder	4.30					
Piledriver (leadsman)	4.20					
Pipelayer (other than culvert)	4.20					
Powderman (blaster)	5.00					
POWER EQUIPMENT OPERATORS:						
Asphalt distributor	4.50					
Asphalt distributor helper	3.76					
Asphalt paving machine	4.60					
Asphalt paving machine helper	3.36					
Asphalt plant helper	3.36					
Asphalt plant, stationary and traveling	4.60					
Auger operator (truck type)	3.76					
Automatic fine grader operator	4.70					
Beginner operator (1 year or less experience as Power Equipment Op.)	3.90					
Broom, self-propelled	3.76					
Bulldozer, 80 h.p. or less	4.10					
Bulldozer, over 80 h.p.	4.60					
Bullfloat machine	4.40					
Concrete batch plant	4.60					
Concrete mixer	3.90					
Concrete paver	5.00					
Concrete paving cure machine	4.00					
Concrete paving finishing machine	4.70					
Concrete paving form grader	4.70					
Concrete paving joint machine	4.50					
Concrete paving joint sealer	4.00					
Concrete paving saw	4.40					
Concrete paving spreader	4.70					
Concrete paving subgrader	4.60					
Conveyor	3.36					
Cranes, Derricks, Draglines, Pile-drivers, Backhoes and Shovels, 1½ cu. yds. or less	4.60					
Cranes, Derricks, Draglines, Pile-drivers, Backhoes and Shovels, over 1½ cu. yds.	5.00					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (cont'd):						
Crusher (incl. those with integral screening plant)	$4.60					
Curb machine	4.00					
Fireman (boiler and retort)	3.80					
Front End Loader, 1½ cu. yds. or less	3.90					
Front End Loader, 1½ cu. yds. to 3½ cu. yds.	4.40					
Front End Loader, over 3½ cu. yds.	4.60					
Mechanic, heavy duty	4.90					
Mechanic, helper	3.90					
Mechanic, maintenance	4.40					
Motor grader, (finish)	5.00					
Motor grader, (rough)	4.50					
Oiler and greaser	4.40					
Roller, self-propelled (hot mix)	4.10					
Roller, self-propelled (other)	3.76					
Roller, sheepsfoot or 50 ton pneumatic	4.10					
Scrapers	5.20					
Spreader (materials)	4.40					
Stationary plant	4.00					
Tractor (crawler or pneumatic)	4.00					
Tractor, farm type w/attachments (including loader)	3.36					
Tractor - push	4.80					
Traveling plant (stabilization)	4.60					
Traveling plant, helper	3.36					
Trenching machine	4.40					
Wagon drill (including airtrac-trac-drill, etc.)	4.40					
TRUCK DRIVERS:						
Euclid or dumptor	3.72					
Truck crane	3.62					
Truck driver, single axle	3.36					
Truck driver, tandem or semitrailer	3.52					
WELDER:						
Welder, certified	4.30					
Welder, general	4.40					

[FR Doc.73-11762 Filed 6-14-73;8:45 am]

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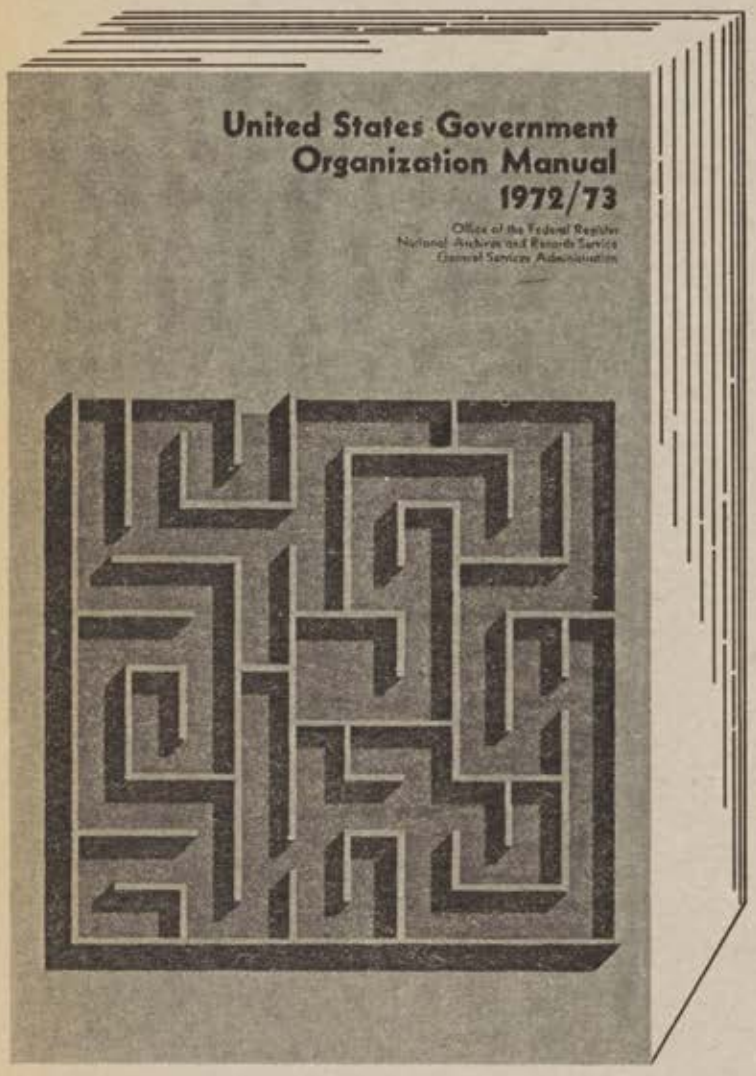

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