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This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Miscellaneous Revocations

Subpart C of Part 213 is amended to show that under the provisions of § 213.3301b 242 positions are no longer excepted under Schedule C.

Effective on August 8, 1973, Subpart C of Part 213 is amended as set out below.

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.* * * *

(5) [Revoked]

* * * * *

(9) [Revoked]

* * * * *

(i) *Office of Telecommunications Policy.* (1) [Revoked]

(2) [Revoked]

* * * * *

(5) [Revoked]

(6) [Revoked]

* * * * *

§ 213.3305 Treasury Department.

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

(21) [Revoked]

* * * * *

(27) [Revoked]

* * * * *

(c) *Bureau of Customs.* * * *

(3) [Revoked]

* * * * *

(f) *Bureau of the Mint.* * * *

(2) [Revoked]

* * * * *

§ 213.3306 Department of Defense.

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

(46) [Revoked]

* * * * *

(48) [Revoked]

* * * * *

(52) [Revoked]

(53) [Revoked]

* * * * *

(c) *Interdepartmental Programs.* * * *

(2) Two Private Secretaries engaged in the interdepartmental activities of the office of the Secretary of Defense.

* * * * *

(e) *Defense Civil Preparedness Agency.* * * *

(2) [Revoked]

* * * * *

§ 213.3308 Department of the Navy.

(a) *Office of the Secretary.* (1) [Revoked]

* * * * *

(3) thru (7) [Revoked]

* * * * *

(11) [Revoked]

* * * * *

§ 213.3309 Department of the Air Force.

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

(5) [Revoked]

(6) [Revoked]

(7) One Administrative Assistant and one Private Secretary in the Office of the Military Aide to the Vice President.

* * * * *

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* * * *

(2) [Revoked]

(3) [Revoked]

(4) One Confidential Assistant to the Attorney General.

* * * * *

(7) [Revoked]

* * * * *

(d) *Anti-Trust Division.* (1) One Chief, Field Office.

* * * * *

(e) *Civil Division.* * * *

(4) [Revoked]

* * * * *

(r) *Community Relations Service.* * * *

(4) [Revoked]

* * * * *

(s) *Law Enforcement Assistance Administration.* * * *

(4) One Special Assistant to an Associate Administrator.

* * * * *

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) Eight Confidential Assistants to the Secretary.

(2) Six Special Assistants to the Secretary.

(3) Six Special Assistants (Field Representatives).

* * * * *

(11) [Revoked]

* * * * *

(14) [Revoked]

* * * * *

(19) [Revoked]

* * * * *

(22) [Revoked]

* * * * *

(25) [Revoked]

* * * * *

(32) [Revoked]

* * * * *

(35) [Revoked]

* * * * *

(38) [Revoked]

* * * * *

(b) *Office of the Solicitor.* * * *

(2) One Special Assistant to the Solicitor.

* * * * *

(h) *National Park Service.* * * *

(3) Two Special Assistants to the Director.

* * * * *

(i) *Bonneville Power Administration.* * * *

(3) [Revoked]

* * * * *

(j) [Revoked]

* * * * *

(m) *Bureau of Outdoor Recreation.* * * *

(2) [Revoked]

* * * * *

(o) [Revoked]

* * * * *

§ 213.3313 Department of Agriculture.

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

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

* * * * *

(29) [Revoked]

(30) [Revoked]

* * * * *

(b) *Rural Electrification Administration.* * * *

(4) Two Assistants to the Administrator.

* * * * *

(h) *Agricultural Stabilization and Conservation Service.* * * *

(7) [Revoked]

* * * * *

(k) *Soil Conservation Service.* * * *

(5) [Revoked]

* * * * *

(p) *Science and Education.* * * *

(2) [Revoked]

* * * * *

(r) [Revoked]

* * * * *

§ 213.3314 Department of Commerce.

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

(2) Two Private Secretaries to the Secretary.

* * * * *

(16) One Confidential Assistant to the Director, Office of Foreign Direct Investments.

* * * * *

(23) [Revoked]

(24) [Revoked]

* * * * *

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

(3) [Revoked]

* * * * *

(j) *Maritime Administration.* (1) One Confidential Assistant to the Administrator.

* * * * *

(3) [Revoked]

* * * * *

(l) *U.S. Travel Service.* * * *

(4) [Revoked]

* * * * *

(m) *Office of the Assistant Secretary for Domestic and International Business.* * * *

(3) [Revoked]

* * * * *

(5) [Revoked]

(6) Two Confidential Assistants to the Director, Bureau of International Commerce.

* * * * *

(10) Two Confidential Assistants to the Director, Bureau of Domestic Commerce.

(11) thru (14) [Revoked]

* * * * *

(n) *Office of the Assistant Secretary for Science and Technology.* * * *

(2) [Revoked]

(3) [Revoked]

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(4) thru (6) [Revoked]

* * * * *

(r) *National Oceanic and Atmospheric Administration.* (1) One Private Secretary to the Administrator.

(2) [Revoked]

(s) [Revoked]

* * * * *

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* (1) Two Special Assistants, one Confidential Assistant, and one Confidential Assistant (Private Secretary) to the Secretary of Labor.

* * * * *

(12) [Revoked]

* * * * *

(14) [Revoked]

* * * * *

(20) [Revoked]

* * * * *

(24) One Special Assistant to the Director, Office of Program Operations, Occupational Safety and Health Administration.

* * * * *

(30) [Revoked]

* * * * *

(32) [Revoked]

* * * * *

(e) [Revoked]

* * * * *

(i) [Revoked]

* * * * *

§ 213.3316 Department of Health, Education, and Welfare.

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

(2) One Confidential Assistant to the Secretary.

(3) One Writer.

* * * * *

(7) [Revoked]

* * * * *

(11) Four Assistants to the Secretary for Special Programs.

(12) [Revoked]

(13) Five Assistants to the Secretary.

* * * * *

(16) One Confidential Assistant to the Deputy Under Secretary.

(17) [Revoked]

* * * * *

(21) [Revoked]

* * * * *

(24) One Confidential Assistant to the Chief, Children's Bureau.

* * * * *

(c) *Office of Education.* (1) Three Special Assistants to the Commissioner of Education.

* * * * *

(4) [Revoked]

* * * * *

(7) [Revoked]

(8) [Revoked]

* * * * *

(10) [Revoked]

(11) [Revoked]

* * * * *

(f) *Office of the Assistant Secretary for Legislation.* * * *

(4) [Revoked]

* * * * *

(11) [Revoked]

* * * * *

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* * * *

(3) [Revoked]

(4) [Revoked]

* * * * *

(9) [Revoked]

(10) [Revoked]

* * * * *

(k) *Office of the Assistant Secretary for Planning and Education.* * * *

(7) [Revoked]

(8) [Revoked]

(9) [Revoked]

* * * * *

(12) [Revoked]

* * * * *

(n) *Office of the Assistant Secretary for Community and Field Services.* * * *

(2) One Assistant and one Special Assistant to the Assistant Secretary.

* * * * *

(5) One Special Assistant to the Deputy Assistant Secretary.

* * * * *

(8) [Revoked]

(9) One Assistant to the Deputy Assistant Secretary for Consumer Services.

(10) [Revoked]

(11) [Revoked]

* * * * *

(14) One Special Assistant to the Deputy Assistant Secretary for Community Development and Director, Center for Community Planning.

* * * * *

(o) *Social and Rehabilitation Service.* * * *

(7) [Revoked]

* * * * *

(p) *Office of the General Counsel.* * * *

(2) [Revoked]

(3) One Special Assistant to the General Counsel.

(4) [Revoked]

* * * * *

(q) *Office of the Special Assistant to the Secretary for Civil Rights.* * * *

(7) One Special Assistant to the Deputy Special Assistant.

* * * * *

§ 213.3317 Overseas Private Investment Corporation.

* * * * *

(d) [Revoked]

* * * * *

§ 213.3318 Environmental Protection Agency.

* * * * *

(f) *Office of the Assistant Administrator for Air and Water Programs.* (1) [Revoked]

* * * * *

§ 213.3322 Interstate Commerce Commission.

* * * * *

(g) [Revoked]

* * * * *

§ 213.3326 Office of Emergency Preparedness.

(a) *Office of the Director.* (1) One Administrative Assistant to the Director.

* * * * *

(3) Four Special Assistants to the Director.

* * * * *

(b) *Office of the Deputy Director.* * * *

(2) [Revoked]
(3) [Revoked]

* * * * *

(d) [Revoked]

* * * * *

§ 213.3328 U.S. Information Agency.

* * * * *

(f) [Revoked]

* * * * *

§ 213.3329 Federal Power Commission.

(a) Three Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, one Private Secretary to each of three Commissioners, and one Confidential Assistant to each Commissioner.

(b) [Revoked]

* * * * *

(f) One Technical Assistant to a Commissioner and two Technical Assistants to each of the other Commissioners.

* * * * *

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *
(6) Five Confidential Assistants to the Administrator.

* * * * *

(12) [Revoked]

* * * * *

(c) *Federal Supply Service.* * * *
(2) One Confidential Assistant to the Commissioner.

* * * * *

(g) *National Advisory Council on Economic Opportunity.* * * *
(2) [Revoked]

* * * * *

§ 213.3341 National Labor Relations Board.

* * * * *

(c) [Revoked]

* * * * *

(e) [Revoked]

* * * * *

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(d) [Revoked]

* * * * *

§ 213.3350 Foreign Claims Settlement Commission of the United States.

* * * * *

(c) One Private Secretary to the Chairman.

* * * * *

§ 213.3351 [Revoked]

§ 213.3359 Action.

* * * * *

(j) [Revoked]

* * * * *

§ 213.3367 Federal Maritime Commission.

(a) One Confidential Assistant to each of three Commissioners.

* * * * *

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* * * *
(19) Not to exceed 9 positions of Policy Advisor, Policy Analyst, and Confidential Assistant in the Office of planning and Program Analysis.

* * * * *

(e) *Office of the Assistant Director for Congressional and Public Affairs.* * * *
(5) [Revoked]

* * * * *

§ 213.3374 [Revoked]

* * * * *

§ 213.3382 National Foundation on the Arts and the Humanities.

* * * * *

(c) One Staff Assistant to the Chairman, National Endowment for the Arts.

* * * * *

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *
(3) [Revoked]

* * * * *

(1) Two Special Assistants to the Secretary.

* * * * *

(15) [Revoked]

* * * * *

(18) [Revoked]

* * * * *

(26) Six Senior Assistants for Legislative Affairs.

* * * * *

(28) [Revoked]

* * * * *

(38) [Revoked]
(39) [Revoked]

* * * * *

(45) [Revoked]

* * * * *

(e) *Office of the Assistant Secretary for Community Development.* (1) [Revoked]

* * * * *

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *
(11) Two Special Assistants to the Under Secretary.

* * * * *

(25) [Revoked]

* * * * *

(34) [Revoked]
(35) [Revoked]

* * * * *

(37) [Revoked]

* * * * *

(42) [Revoked]

* * * * *

(b) *National Transportation Safety Board.* * * *
(4) [Revoked]

* * * * *

(e) *Federal Railroad Administration.*
(1) [Revoked]

* * * * *

(f) *Urban Mass Transportation Administration.* (1) [Revoked]

* * * * *

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

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

[FR Doc.73-16524 Filed 8-9-73;8:45 am]

Title 9—Animals and Animal Products

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

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

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

Area Released From Quarantine

This amendment exclues a portion of Riverside County in California from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded area.

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

In § 82.3, in subparagraph (a) (1) relating to the State of California, subdivision (iii) relating to San Bernardino and Riverside Counties is amended to read:

(a) * * *
(1) *California.*

* * * * *

(iii) That portion of San Bernardino County bounded by a line beginning at the junction of the eastern edge of U.S. Highway 395 and the northern border of Interstate Highway 10; thence, following the northern border of Interstate Highway 10 in an easterly direction to the western edge of Alabama Street; thence, following the western edge of Alabama Street in a northerly direction to the northern edge of California State Highway 30; thence, following the northern edge of California State Highway 30 in an easterly direction to the San Bernardino National Forest boundary line;

thence, following the San Bernardino National Forest boundary line in an easterly, then southerly direction to the San Bernardino meridian in San Bernardino County; thence, following the San Bernardino meridian in a southerly direction to the Riverside-San Bernardino County line; thence, following the Riverside San Bernardino County line in a generally westerly direction to the eastern edge of U.S. Highway 395; thence, following the eastern edge of U.S. Highway 395 in a northerly direction to its junction with the northern border of Interstate Highway 10.

* * * * *

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

Effective date. The foregoing amendment shall become effective August 6, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 6th day of August 1973.

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

[FR Doc.73–16512 Filed 8–9–73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73–1083]

PART 545—OPERATIONS

Maximum Term Regarding Unsecured Loans

AUGUST 2, 1973.

The Federal Home Loan Bank Board considers it desirable to amend § 545.8 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8), and a related explanatory statement, for the purpose of changing from 10 years and 32 days to 15 years and 32 days the maximum term authorized for certain loans which Federal savings and loan associations may make without the requirement of security. Accordingly, the Federal Home Loan Bank Board hereby amends said § 545.8 by revising subdivision (v) of subparagraph (1) of paragraph (a) thereof and also amends the first paragraph of the Explanatory Statement previously published in conjunction with said § 545.8 (37 FR 17024), to read as set forth below, effective September 10, 1973.

Since the above amendments relieve restriction, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b).

§ 545.8 Loans without requirement of security.

(a) Without regard to any other provision of this part except the first two sentences of § 545.6–10, any Federal association that has amended Charter K by the addition thereto of section 14.1 and any Federal association that has a charter in the form of Charter K (rev.) or Charter N may, upon adoption of such a loan plan by its board of directors, invest in loans of the following types, but no investment shall be made under this section if immediately after such investment the outstanding aggregate of all investments of the association made under this section would exceed 20 percent of the association's assets:

(1) Any loan, with or without security, for property alteration, repair, or improvement, or for the equipping of any residential real property, if the following requirements are met:

* * * * *

(v) The loan is repayable in equal weekly, bi-weekly, monthly, bi-monthly, or quarterly installments with the first installment due no later than 120 days from the date the loan is made and the final installment due no later than 15 years and 32 days from such date. However, the loan contract may provide for a first or final installment, or both, in an amount other than that of the regular installment but, in such instances, such installment shall not be less than one-half of, nor more than one and one-half times, the amount of the regular installment; and

* * * * *

EXPLANATORY STATEMENT WITH RESPECT TO REGULATORY PROVISION RELATING TO LOANS FOR HOME EQUIPPING AND MODERNIZATION

Subparagraph (1) of paragraph (a) of § 545.8 of the Rules and Regulations for the Federal Savings and Loan System is designed in part to implement the authority granted to the Board by the Housing and Urban Development Act of 1968 (Public Law 90–448, approved August 1, 1968), to authorize, in addition to property repair, alteration, and improvement loans previously provided for in the Regulation, Federal savings and loan associations to make loans for home equipping, whether or not such loans are secured by a lien on such equipment or such home. This subparagraph provides, in part, as follows: The total amount of outstanding equipping loans on the same real property may not exceed $5,000, and separate loans of up to $5,000 each may be outstanding for different repairs, alterations, or improvements on such property; loans made pursuant to this provision shall be repayable in regular installments within a period of 15 years and 32 days; the home to be equipped must be within the lender's regular lending area; and the aggregate amount of an association's investments in all such equipping loans shall not exceed 5 percent of the lending association's assets and shall be included in the loans subject to the overall 20-percent-of-assets limitation for all loans made under § 545.8.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc.73–16623 Filed 8–9–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–CE–11–AD; Amdt. 39–1701]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Airplanes

There have been reports of power loss due to fuel starvation on certain models of Cessna aircraft equipped with the Javelin 18 gallon auxiliary fuel tank resulting from improper auxiliary fuel transfer procedures. Specifically, if the pilot fails to turn off the auxiliary fuel transfer pump after transferring auxiliary fuel and selects the right or both tanks, the fuel pump discharges air into the aircraft's fuel system and fuel starvation results. The manufacturer has issued a service letter which recommends installation of a new placard which provides clarifying instructions for fuel transfer procedures on affected aircraft. Service history has established that installation of and compliance with this placard is necessary to assure safe operation of the airplane. Accordingly, since the condition described herein can exist or develop in other aircraft of the same type design an Airworthiness Directive is being issued applicable to Cessna Models 170, 172, 175, 180 and 182 airplanes having the Javelin 18 gallon auxiliary fuel tank, making installation of the placard mandatory.

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

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

CESSNA. Applies to all series of Cessna Models 170, 172, 175, 180 and 182 airplanes equipped with the 18 gallon auxiliary fuel tank manufactured by the Javelin Aircraft Company, Wichita, Kansas.

Compliance: Required within 100 hours time in service after the effective date of this AD, unless already accomplished.

To advise the pilot concerning proper fuel transfer pump operation, install Javelin Placard 782-14 or an equivalent FAA-approved placard, adjacent to the fuel transfer pump switch which reads as follows:

"AUXILIARY FUEL TRANSFER PUMP. PULL ON. PUSH OFF. PLACE PUMP OFF BEFORE CHANGING FROM LEFT TANK."

NOTE: Failure to turn off fuel boost pump allows air to enter engine fuel system and may cause engine power failure when fuel selector valve is changed from left tank position.

Cessna Service Letter No. SE69-24 dated November 21, 1969, or subsequent FAA-approved revisions cover this subject matter.

This amendment becomes effective August 16, 1973.

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

Issued in Kansas City, Missouri, on August 2, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-16502 Filed 8-9-73;8:45 am]

[Docket No. 13113; Amdt. 39-1702]

PART 39—AIRWORTHINESS DIRECTIVES

Slingsby Dart Gliders

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive (AD) was adopted on June 27, 1973, and made effective immediately upon receipt of the airmail letter AD as to all known U.S. operators of Slingsby Model T.51 Dart gliders because of a determination by the FAA that the wing spars of those gliders could be corroded to such a degree that a loss of wing structural integrity could result. The AD requires an inspection for metal corrosion, measurement of the depth of such corrosion, and if beyond the stated limits, repair or replacement of the affected parts.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Slingsby Model T.51 Dart gliders by airmail letters dated June 27, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

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

SLINGSBY. Applies to all Model T.51 Dart Gliders which have metal reinforced wing spars.

Compliance is required as indicated.

To prevent possible loss of wing structural integrity due to corrosion of the wing spars, accomplish the following:

Before July 14, 1973, unless already accomplished within the last year, and thereafter at intervals not to exceed one year since the last inspection—

(a) Cut seven inspection holes in the lower surface skin of each wing in accordance with Slingsby Technical Instruction No. 58, Issue 1, dated May, 1973, or an FAA-approved equivalent;

(b) Visually inspect the metal portion of the spars for corrosion;

NOTE: During the inspection required by paragraph (b), particular attention should be directed to the bolted joints and rib attachment areas.

(c) If corroded areas are found during an inspection required by paragraph (b), measure the depth of the corrosion in the affected areas;

(d) If corrosion is found which exceeds a depth of 0.007 of an inch, before further flight, repair the corroded areas, or replace the corroded parts with serviceable identical parts or FAA-approved equivalents; and

(e) Close the inspection holes cut in accordance with paragraph (a).

(f) Notification in writing must be sent to the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, American Embassy, APO New York, N.Y. 09667, stating the results, positive or negative, of each inspection required by this AD, within 10 days after such inspections. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174).

This amendment is effective on August 17, 1973, as to all persons except those persons to whom it was made immediately effective upon receipt of the airmail letter dated June 27, 1973, which contained this amendment.

Issued in Washington, D.C., on August 2, 1973.

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

[FR Doc. 73-16503 Filed 8-9-73;8:45 am]

[Airspace Docket No. 73-SO-42]

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

Savannah, Ga., Transition Area

On June 27, 1973, FR Document No. 73-12847 was published in the FEDERAL REGISTER (38 FR 16843), amending Part 71 of the Federal Aviation regulations by altering the Savannah, Ga., control zone and transition area.

In the amendment, an extension to the transition area was predicated on the Savannah VORTAC 052° radial in lieu of the 061° radial. It is necessary to amend the FR Document to reflect the correct radial. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Document No. 73-16843 is amended as follows:

In line 5 of the Savannah, Ga., transition area description "° ° ° 052° ° ° °" is deleted and "° ° ° 061° ° ° °" is substituted therefor.

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

Issued in East Point, Ga., on July 26, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-16501 Filed 8-9-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2425]

PART 13—PROHIBITED TRADE PRACTICES

Boise Tire Co. and Richard E. Larson

Subpart—Advertising falsely or misleadingly: § 13.175 *Quality of product or service:* § 13.205 *Scientific or other relevant facts:* § 13.210 *Scientific tests.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties:* § 13.1740 *Scientific or other relevant facts.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Boise Tire Company, et al., Boise, Idaho, Docket C-2425, July 16, 1973]

In the Matter of Boise Tire Company, a corporation, and Richard E. Larson, individually and as an officer of said corporation.

Consent order requiring a Boise, Idaho, seller and distributor of automotive tires and other automotive accessories, principally Uniroyal products, among other things to cease misrepresenting the quality, design, or service of its products; and misrepresenting scientific tests and their results.

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

It is ordered, That respondents Boise Tire Company, a corporation, its successors and assigns, and its officers, and Richard E. Larson, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or distribution of tires or any other automotive accessories, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing in writing, orally, visually or in any other manner, directly or by implication:

A. That Zeta Tires have been rated "#1" as to quality, design or service;

B. That any tires or other automotive accessories have been rated or compared

as to quality, grade, line, level, design, performance or other characteristics (except in conformance with a government approved or industrywide standard, if and when such is developed) unless:

1. The representation is fully substantiated by controlled scientific tests, the results and methodology of which are available for public inspection; and

2. The representation is accompanied by a clear and conspicious statement that there are no industrywide or other accepted standards of quality or grading, that the representation relates only to the private standard of the seller or manufacturer, and that the test results and methodology on which the representation is based are available for public inspection.

It is further ordered, That respondents cause the publication in the sports section of the Idaho Statesman, in large bold face type, of a retractive advertisement one quarter page in size. It shall be devoted exclusively to a clear and conspicuous statement that, contrary to previous advertisements of Boise Tire Company, neither Uniroyal Zeta Steel Radial Tires nor those of any other manufacturer have been rated by any government or accepted industrywide system, and that in fact no such system for rating or grading tires exists. This advertisement shall also include the following sentence, in 14-point block capital letters:

THIS ADVERTISEMENT IS PUBLISHED PURSUANT TO ORDER OF THE FEDERAL TRADE COMMISSION.

Said advertisement shall be published within sixty (60) days after service upon them of this order.

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

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

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment, and of his affiliation with a new business or employment, in the event of such discontinuance or affiliation. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

Issued: July 16, 1973.

By the Commission.

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

[FR Doc.73-16585 Filed 8-9-73;8:45 am]

[Docket C-2423]

PART 13—PROHIBITED TRADE PRACTICES

Hoosier Piano and Organ Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* 13.155–40 Exaggerated as regular and customary; 13.155–78 Repossession balances; 13.155–95 Terms and conditions; 13.155–100 Usual as reduced, special, etc.; § 13.160 *Promotional sales plans.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1830 *Retail as cost, etc., or special;* § 13.1823 *Terms and conditions;* § 13.1825 *Usual as reduced or to be increased—PROMOTIONAL SALES PLANS;* § 13.1830 *Promotional sales plans.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2013 *Offers deceptively made and evaded.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hoosier Piano and Organ Co., Inc., et al., Shelbyville, Indiana, Docket C-2423, July 12, 1973]

In the Matter of Hoosier Piano and Organ Co., Inc., a corporation, and William A. Donica, individually and as an officer of said corporation.

Consent order requiring a Shelbyville, Indiana, piano retailer, among other things to cease misrepresenting the manner in which merchandise has been reacquired from former purchasers or the terms and conditions under which such merchandise is being offered for sale for the unpaid balance of the original purchase price; making sale offers which are not bona fide offers; representing retail prices as usual and customary unless such is the case; misrepresenting prices as reduced from respondent's former price; and using false, misleading or deceptive sales plans or programs.

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

It is ordered, That respondents Hoosier Piano and Organ Co., Inc., a corporation, its successors and assigns, and William A. Donica, individually, and as an officer of said corporation (hereinafter sometimes referred to as "respondents"), and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or distribution of pianos or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, orally, visually, in writing, or in any other manner, directly or indirectly that:

1. Pianos or other merchandise have been repossessed or in any manner reacquired from a former purchaser, or are being offered for sale for the unpaid balance, or any portion thereof, of the original purchase price, or for the amount or any portion of the amount owed by a former purchaser; however, it shall be a defense hereunder for respondents to show that said advertised products actually are of the character stated and are offered for sale and sold on the terms and conditions represented.

2. Any pianos or other merchandise are being offered for sale when such offer is not a bona fide offer to sell the advertised merchandise on the terms and conditions stated.

3. Any amount is respondents' usual and customary retail price for merchandise unless such amount is the price at which the merchandise has been usually and customarily sold at retail by respondents in the recent regular course of business.

4. Any price is reduced from respondents' former price if respondents' business records fail to establish and show that such price constitutes a significant reduction from the price at which such merchandise has been sold in substantial quantities or offered for sale in good faith for a reasonably substantial period of time, by respondents in the recent, regular course of their business.

5. Any saving is offered in the purchase of merchandise from the respondents' retail price unless the price at which the mercandise is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold at retail by the respondents in the recent regular course of business.

6. Persons responding to advertisements will be dealing with credit department personnel, or will be dealing with any other person than sales personnel.

It is further ordered, That respondents shall cease and desist from using any sales plan or procedure involving the use of false, misleading, or deceptive statements to induce the sale of pianos or other merchandise offered by respondents or to obtain leads or prospects for the sale of pianos or other merchandise.

It is further ordered, That respondents, for a period of one year from the effective date of this order, shall furnish each newspaper or other advertising medium which is utilized by the respondents to obtain leads for the sale of pianos or other merchandise, or to advertise, promote, or sell pianos or other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents serve a copy of this order upon each present and every future agent, representative, salesman, and employee en-

gaged in the sale of pianos or other merchandise; that respondents obtain from each such person so served a written acknowledgement of the receipt thereof and an agreement in writing to abide by the terms of this order; and that respondents discharge any such person so served for failure to abide by the terms of this order.

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

It is further ordered, That the respondents shall notify the Commission, at least thirty (30) days prior to any proposed change in their business organization such as dissolution, assignment, incorporation, or sale resulting in the emergence of a successor firm, partnership, or corporation, or any other change which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

Issued: July 12, 1973.

By the Commission.

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

[FR Doc.73-16583 Filed 8-9-73;8:45 am]

[Docket C-2424]

PART 13—PROHIBITED TRADE PRACTICES

RJR Foods, Inc., and William Esty Company, Inc.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content:* § 13.135 *Nature of product or service:* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1605 *Content:* § 13.1685 *Nature:* § 13.1710 *Qualities or properties.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1850 *Content:* § 13.1870 *Nature:* § 13.1885 *Qualities or properties.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising;* 13.2275-65 *Labeling depictions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52) [Cease and desist order, RJR Foods, Inc., et al., New York City, New York, Docket C-2424, July 13, 1973]

In the Matter of RJR Foods, Inc., a corporation, and William Esty Company, Inc., a corporation.

Consent order requiring a New York City manufacturer, seller and distributor of beverages designated "Hawaiian Punch," and its New York City advertising agency, among other things to cease misrepresenting the natural fruit juice content of fruit-flavored beverages, and depicting fruit or juice in labeling. In addition, the firm must make certain affirmative disclosures for a period of one (1) year and thereafter until a consumer survey is taken which gauges the need for continuing the disclosures.

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

I. *It is ordered*, That respondent, RJR Foods, Inc., a corporation, and William Esty Company, Inc., a corporation, their successors and assigns, and their officers, agents, representatives and employees, directly, or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any fruit-flavored, noncarbonated beverage under the "Hawaiian Punch" trademark, as a frozen concentrate, liquid, liquid concentrate, powder, or in any other physical state, whether or not containing natural fruit juice, forthwith cease and desist for a period of one year after service of the order upon RJR Foods, Inc. and William Esty Company, Inc., and thereafter until respondents submit to the Commission the results of a survey conforming in protocol, procedure and results to Appendix A to this order, from:

1. Disseminating or causing the dissemination of, any advertisement by means of the United States mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which depicts fruit or juice unless (a) the total percentage of single strength fruit juice contained in a concentration at which the product is intended to be served is clearly and conspicuously disclosed; or (b) the said product contains 100 percent single-strength fruit juice in a concentration at which the product is intended to be served.

It is provided, however, that the use of the word "fruit" or the use of the name of a fruit(s) to describe the taste or flavor of said product shall not, solely on the basis of such use, be deemed a violation of this order.

It is further provided, That for purposes of compliance with this order, the disclosure required above will be deemed clear and conspicuous in television advertising if (a) it appears at least once in each television commercial; (b) it is presented simultaneously in both the video and audio portions of the commercial; (c) the video portion (i) is of a sufficient size so that it can be easily read on all commercially available tube sizes, and (ii) it appears on the screen for a sufficient period to permit it to be read by the viewer, but not for less time than the audio portion; and (d) any other video or audio material accompanying the disclosure is not inconsistent with normal artistic and technical standards.

2. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations, acts or practices prohibited in subparagraph 1 above.

For the purposes of compliance with this order, respondent William Esty Company, Inc., may rely in good faith upon information concerning the composition of any such product supplied by the manufacturer or processor of said product, provided that respondent neither knows nor has reason to know that any claim covered by this part is false or deceptive.

II. *It is further ordered*, That respondent, RJR Foods, Inc., a corporation, and William Esty Company, Inc., a corporation, their successors and assigns, and their officers, agents, representatives and employees, directly, or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any fruit-flavored beverage, as a frozen concentrate, liquid concentrate, powder or in any other physical state, whether or not containing natural fruit juice, forthwith cease and desist from:

1. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, through the manner of the use of words or depictions, photographs, or other representations of fruit, that the natural fruit content of any product is greater than its actual fruit juice content.

2. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains the representations prohibited in subparagraph 1 above.

It is provided, however, That the use of the word "fruit" or the use of the name of a fruit(s) to describe the taste or flavor of said product shall not, solely on the basis of such use, be deemed a violation of this order.

It is further provided, That respondents shall not be deemed in violation of Part II of this order with respect to any such fruit-flavored beverage so long as (a) they are in compliance with Part I above as to such fruit-flavored beverage, or (b) they have available a survey conforming in protocol, procedure (other than the independence of the survey supervisor) and results to Appendix A to this order as to such fruit-flavored beverage.

For the purposes of compliance with this order, respondent William Esty Company, Inc., may rely in good faith upon information concerning the composition of any such product supplied by the manufacturer or processor of said product: *Provided*, That respondent neither knows nor has reason to know that any claim covered by this part is false or deceptive.

III. *It is further ordered*, That respondent, RJR Foods, Inc., its successors and assigns, and its officers, agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, distribution or labeling of the products described in Part I above in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist for a period of one year, and thereafter until respondents submit to the Commission the results of a survey conforming in protocol, procedure and results to Appendix A to this order, from depicting fruit or juice in labeling, as "labeling" is defined in the Federal Food, Drug, and Cosmetic Act, unless (a) the total percentage of single strength fruit juice contained in a concentration at which the product is intended to be served is clearly and conspicuously disclosed in any labeling containing such use; or (b) the said product contain 100 percent single-strength fruit juice in a concentration at which the product is intended to be served.

It is provided, however, That conformity to any affirmative regulation or standard issued under the Federal Food, Drug, and Cosmetic Act providing for the disclosure of fruit juice content on the label or labeling of said product will be deemed compliance with the requirements of this Paragraph III; and that the use of the word "fruit" or the use of the name of a fruit(s) to describe the taste or flavor of said product shall not, solely on the basis of such use, be deemed a violation of this order.

For purposes of compliance with this order, the disclosure required above shall be deemed clear and conspicuous in labeling if (a) it appears on any appropriate information panel as that term is used in 21 CFR 1.10(h); (b) it appears in numbers of a color or shade that readily contrast with the background; (c) it appears in a type face of not less than 6 point on a 46-fluid ounce container, 4 point on a 12-fluid ounce container, and in proportional type sizes for other container sizes; and (d) it appears as part of any tabular, charted or graphic presentation if the label bears a compositional comparison between said product and any other product.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions engaged in the advertising, offering for sale, sale, distribution or labeling of any aforementioned product.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order, including but not limited to the sale or acquisition of the business of advertising, offering for sale, sale, distribution, or labeling of fruit flavored beverages by affiliated corporations of respondent, RJR Foods, Inc.

It is further ordered, That respondents shall, within sixty (60) days after service of the order upon them, each file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

It is provided, however, That RJR Foods, Inc., will be deemed in compliance with Part III of this order if the required disclosure appears on labels placed into production within sixty (60) days after service of the order upon RJR Foods, Inc., or September 1, 1972, whichever is later.

Issued: July 13, 1973.

By the Commission.

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

APPENDIX A

A. *Survey results.* If a survey conducted in accordance with section B shows that (a) 67 percent of current purchasers of fruit-flavored beverages (see Para. B.2.a. below); or (b) 80 percent of current or prospective purchasers of Hawaiian Punch products (see Para. B.2.b.); or (c) 95 percent of current purchasers of Hawaiian Punch products (see Para. B.2.C.) think that Hawaiian Punch products contain no more than 20 percent natural fruit juice, then the disclosure described in sections I and III of the order will no longer be required after one year from the date of serving of this order upon RJR Foods, Inc. and William Esty Company, Inc.

B. *Survey protocol & procedure.* 1. This survey, including the processes of sampling, data, generation analysis, and interpretation of results, shall be conducted by independent experienced interviewers and supervisors.

2. Using telephone directories representing the entire United States, a national probability sample will be drawn; within the limitations of this method of sample selection, the sample will be projectable to the total population. Interviewers will call the numbers to locate 500 individuals who have (a) purchased fruit-flavored noncarbonated beverages in the last month; or (b) purchased Hawaiian Punch brand fruit-flavored beverages in the last month, or express an intent to do so within the succeeding month or so; or (c) purchased Hawaiian Punch brand fruit-flavored beverages in the last month. If there is no answer when a selected telephone number is called, the number will be tried again, up to two additional times, at different times of day and on different days of the week. Approximately 20 percent of each interviewer's work will be validated by telephone.

3. Only the following questions will be asked in these interviews:

A. "Hello, my name is _____, and I am calling for a national research company that is conducting a survey about beverages. Do you ever buy fruit drinks?"

B. If answer to "A" is "no," or if the respondent is a child, ask, "May I please speak to the main food purchaser in your home?" Then start again at question "A" with the main food purchaser.

C. "In the past month, have you bought any canned fruit drinks?"

D. "What brand or brands do you usually buy?"

E. How likely would you say that you are to buy one or more cans of (name of brands named in "D") in the next month or so? Would you say you are * * *

1. "Sure that you won't," ------
2. "Not likely," ------
3. "Fairly likely," ------

or

4. "Quite likely" to buy (name of brand) ------

In the event that a respondent has not named Hawaiian Punch in response to "D", insert this brand as follows: If one, two, or three other brands are mentioned, insert Hawaiian Punch as the second brand; if four or more brands are mentioned, insert Hawaiian Punch as the *third* from last brand.

Responses 1 and 2 to question "E" will not be counted in population option B.2.b.; responses 3 and 4 will be counted in that option.

F. In the case of population options B.2.b. and B.2.c., ask only respondents who name Hawaiian Punch in "D" or "E", and in the case of population option B.2.a., ask *all* respondents: "Now I would like to ask you to rate the fruit *juice* content of some canned fruit drinks. If you think the brand is composed entirely of fruit juice, rate it 100 percent. If you think it has no fruit juice, rate it as 0 percent. Please pick a figure from 0 to 100 that expresses the brand's fruit juice content. How would you evaluate (brand name)?"

Repeat last sentence for each brand mentioned in response to "D" and "E", in order used by respondent. In the event that a respondent in population option B.2.a. has not mentioned Hawaiian Punch, insert this brand as follows: If one, two, or three other brands are mentioned, insert Hawaiian Punch as the second brand, if four or more brands are mentioned, insert Hawaiian Punch as the *third* from last brand.

G. "Thank you very much for your help."

4. The completed questionnaires will be edited and coded, with the punching verified for approximately 20 percent of the punched columns.

[FR Doc.73-16584 Filed 8-9-73;8:45 am]

Title 29—Labor

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

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Alaska Plan

1. *Background.* Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the several States may submit for approval, under the requirements of that section, plans to assume responsibility for the development and enforcement of State occupational safety and health standards.

The State of Alaska submitted a plan pursuant to Part 1902, requesting approval of the plan by the Assistant Secretary for Occupational Safety and Health

to the Regional Administrator, December 11, 1972. On February 5, 1973, the plan was formally submitted to the Assistant Secretary and on February 20, 1973, a notice was published in the FEDERAL REGISTER (38 FR 4695) concerning the submission of the plan and the fact that the question of its approval was in issue before the Assistant Secretary. The plan includes provisions for making changes in the State's current occupational safety and health program that appear necessary to bring it into full conformity with the requirements of section 18(c) of the Act and 29 CFR Part 1902.

The Department of Labor is the State agency designated by the Governor to administer the plan throughout the State. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1) under four major codes for general safety, industrial housing, electrical hazards, and occupational health and environmental controls. The plan also includes vertical special industry codes for construction, wood products, petroleum, and fishing.

During the review of the Alaska plan, the State legislature passed enabling legislation amending Chapter 18 of the Alaska statutes. The legislation has been signed by the Governor and its effective date is July 24, 1973.

Under the legislation, the Department of Labor has full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State, including coverage of public employees, with the exceptions of maritime workers in the area of exclusive Federal jurisdiction; employees of the United States; employees protected by State agencies under the Atomic Energy Act of 1954, (42 U.S.C. 2021); and employees whose working conditions are regulated by Federal agencies other than the U.S. Department of Labor under the provisions of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 29 U.S.C. 653 (b)(1)).

The legislation contains procedures for inspections including inspections in response to complaints; protection from discharge or discrimination through complaints to the Commissioner of Labor; promulgation of standards prescribing requirements "at least as effective" as requirements in Federal standards; emergency temporary standard-setting authority and rulemaking authority under the State Administrative Procedure Act; sanctions; imminent danger abatement by administrative order and court injunction; and review of citations and penalties by an independent Occupational Safety and Health Review Board.

The major provisions of the plan and the proposed schedule for its development are summarized in a new Subpart R of 29 CFR Part 1952. Included in the plan is a statement of legal opinion that the legislation is consistent with the Constitution and laws of Alaska. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 at the end of three years after commencement of operations under the plan.

2. *Issues.* Interested persons were afforded thirty days from the date of publication to submit written comments concerning the plan. Further, interested persons were afforded an opportunity to request an informal hearing with respect to the plan or any part thereof by setting out particularized substantial objections to the contents of the plan. No comments were received and there were no requests for a hearing. Department review raised several significant issues which were clarified by Alaska in supplementary letters dated May 25, 1973, June 15, 1973, and July 10, 1973, and incorporated as part of the plan.

(a) *Occupational Health.* As initially submitted the state program did not provide sufficient information on staffing and interagency coordination in the occupational health area. The State has submitted a new staffing program including hiring one industrial hygienist immediately after plan approval and three more hygienists by the end of the three year developmental period. Enforcement authority over occupational health will remain in the Department of Labor. The Department will contract with the Division of Public Health for radiation inspection services and these inspections will be conducted in accordance with the requirements of the safety and health law in Alaska. Results of other health inspections made by the Division of Public Health will be reported to the Department of Labor for any necessary enforcement action. The two agencies have entered into an agreement to this effect and it is incorporated as part of the plan.

(b) *Standard comparison.* As part of its plan, Alaska submitted a standard comparison of State and Federal standards for a determination as to whether the State standards are "at least as effective" as the Federal standards. Based on an analysis of Alaska's standards comparison Subparts D, G, H, I, N, O, and P of Part 1910 have been determined to be at least as effective. Subparts E, F, J, K, L, M, Q, and S have been withdrawn by Alaska and in accordance with § 1902.20(b)(1)(ii), these subparts will be submitted by Alaska as developmental codes.

(c) *Emergency temporary standards.* Alaska's Administrative Procedure Act (APA) has a general provision dealing with emergency rulemaking proceedings that differs from the procedure under the Occupational Safety and Health Act in several respects. Because it is applicable to all emergency rulemaking procedures in the State the APA does not contain the specific criteria in section 6(c)(1) of the Act. Rather, these criteria would be incorporated under the general language of the Alaska statute which refers to the "immediate preservation of public peace, health, safety or general welfare." Occupational safety and health would be included within the meaning of public safety and health under the Alaska statute.

In addition the time limit for the effectiveness of an emergency temporary standard in Alaska is 120 days after which the standard expires unless a permanent standard has been adopted. When a Federal emergency standard is adopted, the 120 day limit, which is shorter than the 6 month limit in the Federal Act, presents some coordination problems for the State in adopting an "at least as effective as" standard. Alaska realizes that its permanent standard may differ from the Federal permanent standard, and if it is found to be not "at least as effective", another standard-setting procedure may be required in the State.

Since it is not apparent that Alaska's emergency temporary standard procedure will diminish the effectiveness of the program in such a manner as to warrant amendment of the enacted safety and health law and because of the Statewide policy enunciated in the APA limiting the time period for effectiveness of emergency standards, the Alaska procedure is considered at least as effective subject to containing evaluation of the operation of the standard-setting procedure.

(d) *General duty requirement.* Alaska's legislation does not have a general duty clause directing employers to provide a place of employment free from recognized hazards. The State's legislation requires the employer to "do everything necessary to protect the life, health and safety of employees". Under the requirements in 29 CFR Part 1902, a State is not required to have a general duty clause. Therefore when a State chooses to provide such a clause, it does not have to demonstrate that the clause itself is "at least effective as" the Federal provision, unless an evaluation would show that the implementation of the State general duty clause limits the overall effectiveness of the enforcement program which must remain "at least as effective as" the Federal program.

(e) *Statute of limitations.* Citations under the Federal Act may not be issued after the expiration of six months following the occurrence of a violation. Alaska's legislation has a statute of limitations on issuing a citation of 180 days following the "discovery of the violation by the department or correction of the violation." The State Attorney General in an opinion letter to the Commissioner of the Department of Labor states that the proper reading of the section is that "if an employer discovers and corrects a safety violation on his own initiative, the Department of Labor can cite the employer only if it learns of the violation and acts appropriately within 180 days of the corrective action". Use of the date of correction is an appropriate criteria for a statute of limitations on issuing citations since there no longer is a violation after the employer has taken corrective action. In addition, Alaska's statute of limitations reinforces the legislative provisions for first instance sanc-

tions by specifically authorizing citations for violations previously corrected if the Department of Labor is notified of the violation within 180 days of correction.

3. *Decision.* After careful consideration of the Alaska plan, the plan is hereby approved under section 18 of the Act and Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's developmental schedule as set out below.

Pursuant to § 1902.20(b)(1)(iii) of Title 29, Code of Federal Regulations, the present level of Federal enforcement in Alaska will not be diminished at this time because of the developmental nature of Alaska's standard-setting and enforcement program under its enacted legislation. Among other things the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis. Following the commencement of operations under the State plan periodic evaluations of the plan will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Alaska. Part 1952 is hereby amended by adding thereto a new Subpart R reading as follows:

Subpart R—Alaska

Secs.
1952.240 Description of the plan.
1952.241 Where the plan may be inspected.
1952.242 Level of Federal enforcement.
1952.243 Developmental schedule.

AUTHORITY: Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Subpart R—Alaska

§ 1952.240 Description of the plan.

(a) The Department of Labor is the State agency designated by the Governor to administer the plan throughout the State. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in § 1902.2(c)(1) of this chapter under four major codes for general safety, industrial housing, electrical hazards, and occupational health and environmental controls. The plan also includes vertical special industry codes for construction, wood products, petroleum, and fishing. Appendix G of the plan contains a timetable for adoption of the standards beginning with the effective date of the grant approved under section 23(g) of the Act. The timetable requires from 6 to 36 months for completion of the standard-setting process with most of the standards to be adopted within 6 months of the effective date of the grant.

(b)(1) The plan included draft legislation which has been passed by the State legislature and signed by the Governor amending Chapter 18 of the Alaska Statutes. Under the legislation, effective July 24, 1973, the Department of Labor has full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State, including coverage of public employees, with the exceptions of maritime workers in the area of exclusive Federal jurisdiction; employees of the United States; employees protected by State agencies under the Atomic Energy Act of 1954, (42 U.S.C. 2021); and employees whose working conditions are regulated by Federal agencies other than the U.S. Department of Labor under the provisions of section 4(b)(1) of the Occupational Safety and Health Act of 1970. (84 Stat. 1592, 29 U.S.C. 653(b)(1)).

(2) The legislation brings the plan into conformity with the requirements of Part 1902 of this chapter in areas such as procedures for granting or denying permanent and temporary variances to standards by the Commissioner; protection of employees from hazards; promulgation of standards by the Commissioner prescribing requirements "at least as effective" as the requirements for Federal standards including medical examinations and monitoring and measuring of hazards; imminent danger abatement by administrative order and court injunction; protection of employees against discharge or discrimination in terms or conditions of employment by filing complaints with the Commissioner who will seek court action through the State Attorney General; and adequate safeguards to protect trade secrets.

(3) The legislation provides for inspections, including inspections in response to complaints; gives employers and employee representatives an opportunity to accompany inspectors in order to aid inspections and provides for payment to employees for time spent in aiding an inspection; notification of employees or their representatives when no compliance action is taken as a result of an alleged violation, including informal review; notification of employees of their protections and obligations through legislative requirements on posting; provision for prompt notice to employers and employees of alleged violations of standards, and abatement requirements, through the issuance and posting of citations; a system of sanctions against employers for violations of standards; employer right of review to the Occupational Safety and Health Review Board; and employee participation in the review procedure with compensation for time spent by the employee.

(c) Included in the plan is a statement of legal opinion that the law, which was supported by the Governor in accordance with the requirements of Part 1902 of this Chapter, is consistent with the Constitution and laws of Alaska. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 of this chapter at the end of three years after commencement of operations under the plan. Personnel will be employed under the existing State merit system and the voluntary compliance program for on-site consultation meets the conditions set forth in the Washington decision (38 FR 2421). The plan also includes the State Administrative Procedure Act which authorizes the Commissioner to promulgate emergency temporary standards and issue rules and regulations necessary for the implementation of the safety and health law.

(d) The plan includes the following documents as of the date of approval:

(1) The plan document and appendices A through V.

(2) Alaska legislation as enacted amending Chapter 18 of the Alaska Statutes.

(3) Letters from the Commissioner of Labor dated May 25, 1973, June 15, 1973, and July 10, 1973.

§ 1952.241 Where the plan may be inspected.

A copy of the complete plan may be inspected and copied during normal business hours at the following locations: Department of Labor, 338 Denali, 710 McKay Building, Anchorage, Alaska 99501; Assistant Regional Director, Department of Labor, Room 1813, Smith Tower Building, 506 Second Avenue, Seattle, Washington 98104; Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210.

§ 1952.242 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of this chapter, the present level of Federal enforcement in Alaska will not be diminished because of the developmental nature of the standard-setting and enforcement areas of the State plan. Among other things the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.243 Developmental schedule.

(a) Completion of a compliance manual within 6 months of plan approval;

(b) Promulgate within 6 months of the effective date of the grant under section 23(g), standards for general safety, industrial housing, environmental and health controls, construction, petroleum, and logging;

(c) Implement a Management Information System within one year of plan approval;

(d) Adopt regulations within one year of plan approval on exceptions to the prohibition on advance notice; record-keeping; providing information to employees on hazards including medical examinations and observation and access to monitoring results; definition of imminent danger; and employee participation as parties in review proceedings;

(e) Promulgate standards for sawmills and pulpmills within one year of grant approval;

(f) Adopt standards 18 months after grant approval for fishing and maritime;

(g) Operation of a permanent training program to replace the existing program within three years of plan approval;

(h) Promulgate within three years of grant approval standards on textiles, bakery equipment, laundry machinery and agriculture;

(i) Implementation of an occupational health program within three years of grant approval.

Signed at Washington, D.C. this 31st day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-16593 Filed 8-9-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-168]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Patcong Creek, N.J.

This amendment revokes the regulations for the Atlantic County swing bridge at mile 0.5, Patcong Creek, Somers Point, New Jersey because this bridge has been removed.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking subparagraph (9) of paragraph (f) of § 117.225.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revocation shall become effective on August 10, 1973.

Dated: August 3, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16513 Filed 8-9-73;8:45 am]

[CGD 73-167R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Orange River, Fla.

The FEDERAL REGISTER of April 24, 1973 at 38 FR 10085 revoked the regulations contained in 33 CFR 117.245(i)(2). The Seaboard Coast Line bridge had been removed; however, the Florida State Road Department bridge at mile 0.9 still is in use and the regulations governing the operation of this bridge should not have been changed. Therefore, this document reinstates those regulations. Minor editorial changes reflecting the present title of the National Weather Service are included.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding subparagraph (2) to paragraph (i) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(2) Orange River, Florida; Florida State Road Department bridge, mile 0.9. The draw shall open on signal if at least 24 hours notice is given. However, during a hurricane alert for the Caloosahatchee and Orange Rivers area issued by the National Weather Service a draw tender shall be constantly on duty and the draw shall open at any time for the passage of vessels giving the signals set forth in § 117.240.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on August 10, 1973.

Dated: August 2, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16514 Filed 8-9-73;8:45 am]

[CGD 73-51R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Whitcomb Bayou, Fla.

This amendment changes the regulations for the North Spring Boulevard (Beckett) drawbridge across Whitcomb Bayou in Tarpon Springs to require that the draw open on signal from 9 a.m. to 6 p.m. on Saturdays and Sundays and if at least 2 hours notice is given at all other times. This amendment was circulated as a public notice dated March 16, 1973 by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 73-51P) on March 14, 1973 (38 FR 6901). The city of Tarpon Springs objected to the 4 hour notice proposal but stated that the 2 hour notice as agreed to by the bridge owner is adequate.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (5-a) immediately after subparagraph (5) of paragraph (i) of § 117.245 to read as follow:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(5-a) Whitcomb Bayou, Fla. The draw shall open on signal from 9 a.m. to 6 p.m. on Saturdays and Sundays. At all other times the draw shall open on signal if at least 2 hours notice is given.

* * * * *

(Sec. 5, Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on September 8, 1973.

Dated: August 3, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16515 Filed 8-9-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PART 4-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 4-4.50—General

These amendments involve matters relating to agency management and contracts and while not subject by law to the notice and public procedure requirements for rule making under 5 U.S.C. 553 are subject to the Secretary's Statement of Policy (36 FR 13804). The amendments embody already existing Department policy and matters relating strictly to agency management. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedure with respect to the amendments is impracticable and unnecessary.

1. In the Table of Contents of Part 4-4 § 4-4.5018a is redesignated as § 4-4.5018-1 and the Table of Contents should read as follows:

Sec.

* * * * *

§ 4-4.5010 Automatic data processing equipment and services.

* * * * *

§ 4-4.5018-1 Consultant/Management services.

* * * * *

2. Paragraph (a) of § 4-4.5005 is revised to read as follows:

§ 4-4.5005 Aircraft purchase, maintenance and operation.

(a) *Authority.* Under the provisions of 31 U.S.C. 638a(b), no appropriated funds may be expended for the purchase, maintenance, or operation of airplanes unless there is specific authority in the appropriation for such purchase, maintenance or operation.

* * * * *

3. Paragraph (a)(1) of § 4-4.5006 is revised and (a)(4) of this section is deleted as follows:

§ 4–4.5006 Alcohol and distilled spirits.

(a) * * *

(1) *Method of Acquisition.* Any procurement office in the Department may place orders upon the proprietors of the bonded warehouses, denaturing plants, or bonded dealers' storerooms, and each order should bear reference to the permit number. A copy of each order should be forwarded to the Government officer in charge of and located at the bonded warehouse, denaturing plant or bonded dealer's storeroom, from which the alcohol or distilled spirits is to be procured. This will enable the officer to determine that the shipment is proper and that the alcohol or distilled spirits may be released without the payment of taxes.

* * * * *

(4) [Deleted]

* * * * *

5. Section 4–4.5010 is revised to read as as follows:

§ 4–4.5010 Automatic data processing equipment and services.

Office of Management and Budget Bulletin 60–6 sets forth guidelines for studies to precede the utilization of ADP equipment. In letters numbered B–115369 dated September 18, 1957 and January 14, 1959, the Comptroller General provides for GAO review of agency utilization studies. Chapter 8 of Title 5 of the Administrative Regulations sets forth policies, responsibilities and procedures for use and management of ADP within the Department. § 4–1.453 of this chapter provides for the delegation of procurement authority for ADP equipment, services, and related supplies. See § 101–26.405 of this title for further guidance in the procurement of ADP equipment, software, maintenance services and supplies.

6. Paragraph (a) of § 4–4.5016 is revised to read as follows:

§ 4–4.5016 Commissary operations.

(a) Pursuant to statutory provisions (7 U.S.C. 2230) agencies of the Department are authorized to furnish supplies and equipment for their employees in Alaska. It is the policy, however, to restrict the use of this authority to locations where commercial purchasing facilities are inadequate or lacking.

* * * * *

7. Section 4–4.5017 is revised to read as follows:

§ 4–4.5017 Concessions.

§ 104–19.112 of this title outlines the policy and procedure established for the granting of concessions for the furnishing of commodities and services to employees while on duty, which are essential for their health, comfort, or efficiency, and which cannot be obtained conveniently from nearby existing facilities.

8. Section 4–4.5018a is redesignated § 4–4.5018–1 and is revised to read as follows:

§ 4–4.5018–1 Consultant/Management services.

(a) The use of consultant services or the services and facilities of others, in the functional areas assigned to the Office of Information Systems (see 5 AR 3f and 7 CFR 2.76) which exceeds $10,000 in value must be reviewed and approved by the Director, Office of Information Systems. This includes all contracts (or other agreements) which include, in part or in whole, the following activities:

(1) All consulting services—to include any studies, reviews, or proposal developments concerning any aspect of the organization and/or its activities;

(2) Management service activities where the service provided or the product to be supplied is to be used by management as a tool to assist them in managing the organization, e.g., information collection efforts, management information systems, design of forms or reports, development of training programs, development of standards and procedures. This does not include contracting for supplies, equipment, or operational services.

9. Section 4–4.5021 is revised to read as follows:

§ 4–4.5021 Office-type copying machines.

Proposed acquisitions of office-type copying machines and related equipment to be located in the downtown Washington, D.C., complex shall be submitted to the Office of Plant and Operations for approval. Proposals shall state in addition to make, model, and cost, the type, variety, and maximum size of documents to be copied, the approximate total copies to be made annually, and the basis for determining such quantity, the number and make of copying machines on hand, if any, and the use or disposition to be made of them, and efforts to share copying facilities of own and other agency offices. Proposed acquisitions for other locations shall be approved by an agency property management officer as provided in § 104–25.302 (see § 101–25.504 and § 104–25.504 of this title).

10. Paragraph (c) of § 4–4.5026 is revised to read as follows:

§ 4–4.5026 Duplicating equipment.

* * * * *

(c) *Restrictions.* Duplicating machines using the offset or stencil process and related equipment shall not be acquired for use in Washington, D.C., except upon the prior approval of the Director of Plant and Operations. (see § 104–55.604 of this title).

11. Section 4–4.5066 is revised to read as follows:

§ 4–4.5066 Personal articles.

(a) Expenditures from appropriations available for the procurement of supplies and materials or equipment may be made for the purchase and maintenance, in accordance with agency policies and procedures, of special clothing and equipment for the protection of personnel in the performance of their assigned tasks. "Protection," as used in this Section, means protection from physical injury or occupational disease.

(b) Articles of personal equipment other than for the protection of personnel shall not be purchased from an appropriation of the Department (1) without specific statutory authority, or (2) unless the object for which the appropriation was made cannot be accomplished as expeditiously and satisfactorily from the Government standpoint without such equipment, and the equipment is such that the employee could not reasonably be required to furnish it as a part of the personal equipment necessary to enable him to perform the regular duties of the position to which he was appointed or for which his service was engaged. Care should be exercised to avoid the purchase of special clothing or equipment to be fitted to an employee when it is known that the employee may soon be separated from the service or permanently assigned to other duties. (5 USC 7903).

12. Section 4–4.5077–1 is revised to read as follows:

§ 4–4.5077–1 Radiofrequency electromagnetic waves transmitting devices.

(a) Any device transmitting electromagnetic waves through free space, such as radio, radar, telemetry, microwave, lasers, or radio type instruments for research, requires an operating license before procurement or operation of such equipment. Agencies of the Department will ensure that no funds are obligated for communication-electronics equipment until availability of spectrum support is assured. Any planned systems using electronic transmitters must be submitted to the Agriculture representative on the Interdepartment Radio Advisory Committee (IRAC) for review prior to expenditure of funds for such systems.

(b) Frequencies for Federal use are assigned by the Director of Telecommunications Policy (OTP) through the IRAC. Department of Agriculture responsibilities for frequency licensing and representation on the IRAC are delegated to the Forest Service. (7 CFR 2.60 (a)(14))

(c) Requests for new system review and for assignment of frequencies should be submitted to the Forest Service, Chief, Communications and Electronics, Division of Administrative Management, Electronics Center, ARC, Beltsville, Maryland 20705.

Effective Date. August 10, 1973.

Done at Washington, D.C., this 2d day of August 1973.

T. M. BALDAUF,
Director of Plant and Operations, Department of Agriculture.

[FR Doc.73–16507 Filed 8–9–73;8:45 am]

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60–10—CAMDEN PLAN

Pursuant to a notice of hearing appearing in the FEDERAL REGISTER on October 9, 1971, representatives of the Department of Labor conducted public hearings in Trenton, New Jersey, on October 27 through 29, 1971, for the purpose of determining what action should be taken to ensure equal employment opportunity in the construction industry in Trenton and Camden, New Jersey. As a result of the findings made during those hearings, the Camden Plan is hereby issued and published in the FEDERAL REGISTER. A copy of the findings made as a result of the above noted hearings has been submitted with these regulations, and is on file.

Therefore, and pursuant to Executive Order 11246 (30 FR 12319; 3 CFR 1964–65 Comp., p. 406) and §§ 60–1.1 and 60–1.40 of Title 41 of the Code of Federal Regulations, Chapter 60 of these regulations is hereby amended by adding a new Part 60–10 to read as set forth below.

Subpart A—Purpose; Applicability; Background

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

Subpart C—Nondiscriminatory Purpose of the Plan; Requirements; Exemptions; Effective Date

Subpart D—Appendix A

AUTHORITY: Secs. 201, 202, 205, 211, 301, and 303 of Executive Order 11246 (30 FR 12319, 3 CFR 1964–65 Comp., p. 406) and §§ 60–1.1 and 60–1.40 of Title 41 of the Code of Federal Regulations.

Subpart A—Purpose; Applicability; Background

§ 60–10.1 Purpose.

The purpose of these regulations is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto requiring a program of equal employment opportunity by Federal contractors and subcontractors and federally assisted construction contractors and subcontractors in the Camden, N.J., area.

§ 60–10.2 Applicability.

While a contractor or subcontractor is performing on federally involved (Federal or federally assisted) construction contracts for projects, in the three-county Camden, N.J., area of Camden, Salem, and Gloucester Counties (hereinafter referred to as the Camden area), the estimated cost of which exceeds $500,000, all construction activities (including all activities on nonfederally involved work) of such a contractor or subcontractor within the Camden area shall be subject to the requirements of these regulations: *Provided, however,* That if an areawide agreement is developed for any trade covered by these regulations or any such trade is covered by a multitrade agreement, then the Office of Federal Contract Compliance (OFCC) may, in its complete discretion, accept such program in lieu of any or all of the requirements of these regulations, subject to such terms and conditions as OFCC may specify.

§ 60–10.3 Background.

Public hearings were conducted by representatives of the Department of Labor in Trenton, N.J., on October 27 through October 29, 1971, to determine what action should be taken to insure equal employment opportunity in the construction industry in the Camden and Trenton, N.J., areas. Testimony was heard and data received on the following:

(a) The current extent of minority group participation in the construction trades as journeymen, apprentices, trainees, and helpers;

(b) The effectiveness of present employee recruitment methods;

(c) The availability of qualified and qualifiable minority group persons for employment in each construction trade, including where they are now working, how they may be brought into the trades;

(d) The effectiveness of existing training programs in the area, including the number of minorities and others recruited into the programs, the number who complete training, the length and extent of training, employer experience with trainees, the need for additional or expanded training programs;

(e) The number of additional workers that could be absorbed into each trade without displacing present employees, including consideration of present employee shortages, projected growth of the trade, projected employee turnover;

(f) The availability and utilization of minority contractors on federally involved contracts;

(g) The desirability and extent, including the geographical scope, of possible Federal action to insure equal employment opportunity in the construction trades;

(h) Recommendations of governmental compliance agencies active in the Camden and Trenton, N.J., area.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

§ 60–10.10 General findings.

As a result of the material presented at the public hearings in Trenton and other investigations conducted by representatives of the State of New Jersey and the U.S. Department of Labor, the Department has determined that the problems of minority underutilization in Camden and Trenton, New Jersey should be separately addressed in light of the hometown agreement reached in Trenton, and the inability of the contractors, unions, and minority community representatives in Camden to reach a similar accord. Continued analysis of data obtained by the Department of Labor relating to the progress in employment of minorities in the Camden area reveals that minority workers (Negroes, Spanish surnamed Americans, Orientals, and American Indians) continue to be denied full participation in certain construction trades, necessitating action on a broad scale. This underutilization of minorities is due in substantial measure to the unique nature of employment practices in the construction industry where contractors and subcontractors rely on construction craft unions as their prime or sole labor source. Collective bargaining agreements and/or established custom and usage between construction contractors and subcontractors and labor organizations frequently provide for, or result in, exclusive hiring halls. Even where the collective bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter, most people working in these classifications are referred to the jobs by such labor organizations. As a result, referral by the labor organization is a virtual necessity for obtaining meaningful employment in union construction projects. Minorities often have not gained admittance into membership of certain unions and into certain apprenticeship programs, and, consequently, for these and other reasons, have not been referred for employment.

§ 60–10.11 Minority participation in the specified trades.

The overall nonwhite minority population in the Camden area is approximately 22.0 percent, 101,000 of 456,000 persons. These figures are, however, conservative in that the census data upon which these figures are based tend to include Spanish-surnamed persons as white rather than minority without indicating the number of persons so classified. It is generally known that the Camden area contains a substantial Spanish-surnamed population.

(a) *Statistical data.* The most reliable data developed at the hearings reveal the following as the current minority representation as journeyman in unions in selected trades, for the Camden area:

	Percent
Bricklayers	9.0
Carpenters	4.0
Cement Masons	0.0
Electricians	2.3
Operating Engineers	0.0
Painters	0.8
Plumbers/Pipefitters/Steamfitters	0.0
Structural Metal Workers	3.3

It is apparent from the foregoing that the skilled trades evidence a significant underutilization of minority employees.

§ 60–10.12 Availability of minority group persons for employment.

(a) *Population.* (1) The 1970 population estimate for the three county Camden-Gloucester-Salem area, as found by the U.S. Census Bureau, was 925,104, and includes a minority constituency of 106,172 persons, or approximately 11.5 percent.

(2) The total labor force in the Camden area is approximately 310,000. However, minorities represent over 4,500 or 13.1 percent of the unemployed in Camden County, and 400, or 11.4 percent of the unemployed in Salem County.

(b) *Training programs—showing of interest.* (1) Although the hearing panel found that minorities have been and continue to be seriously underrepresented in certain construction trades and trade unions, this is not due to any lack of available qualifiable Negro and other minority applicants in the Camden area.

(2) Rather, the panel's analysis of all available data reveals that existing contractor and union recruitment efforts fall far short of the type of affirmative action which would bring substantial numbers of available minorities into the construction trades.

(3) Potentially available minorities registered with local employment offices for employment in 14 of the construction trades totaled 176 according to recent data. This figure included 106 skilled workers and 70 laborers and helpers. The specific figures for some selected trades were:

Sheetmetal workers	9
Electricians	5
Plumbers and plumber helpers	20
Roofers and roofer helpers	30
Carpenters and carpenter helpers	32
Cement masons and cement mason helpers	24

There were, in recent reports, 150 minorities registered with the Apprenticeship Information Center for training in the construction trades. There were, additionally, 12 minorities enrolled with Opportunities Industrialization Center (OIC), 325 with the Apprenticeship Outreach Program, 10 with the Manpower Development and Training Act (MDTA), in Camden, and three with the MDTA Program in Salem County. Thus, the total minority registration and/or participation in currently operational training programs, not including vocational school programs, was approximately 500 persons.

(c) *Community involvement.* Testimony presented at the hearings revealed, and it has consistently been the Department's experience, that the effectiveness of efforts to recruit minority trainees and workers depends in large measure upon the active involvement of minority organizations in the community. Various representatives of minority organizations indicated that they would have little, if any, difficulty in recruiting minority workers for training and jobs in sufficient numbers to meet the manpower needs of the Camden area construction industry.

(d) *Minority subcontractors.* Information gained at the hearing indicated, and it is found, that a number of minority subcontractors are operating effectively within the Camden area. Utilization of these subcontractors, particularly by nonminority contractors, could significantly expand the participation of minority craftsmen on projects of federally involved construction contractors.

§ 60–10.13 Need for training.

(a) *Existing programs.* A readily available source of minority manpower, most of whom could be utilized in the skilled trades with skills refinement training only, may be found in the number of minority laborers currently in labor unions having jurisdiction in the Camden area. This figure is currently placed at 375.

§ 60–10.14 The impact of the plan upon the existing labor force.

(a) *Contractors' commitments.* It has been found and determined, that a contractor covered by these regulations, could commit himself to minority hiring at least up to the annual rate of job vacancies in his respective trade, without adversely affecting the existing labor force or displacing any incumbents. Data presented at the 1971 hearings revealed that the total additional manpower requirements of the primary construction trades for the period 1972–76 were conservatively estimated at approximately 3,136 new jobs, and replacement job opportunities for a yearly average in excess of 626. The annual number of new job openings per craft for selected trades is as follows:

Trade	Annual Number of Job Openings
Electricians	61
Sheetmetal workers	27
Structural metal workers	48
Carpenters	103
Plumbers/Pipefitters/Steamfitters	74
Bricklayers/Plasterers	37
Cement masons	14
Painters/Decorators/Paperhangers	54

These projections are not inconsistent with conservative national statistics which reveal that approximately 7.5 percent of construction trade workers are replaced each year due to death, retirement, disability, and outmigration.

(b) *Timetable.* In an effort to provide an affirmative action program and practical ranges for the utilization of minority manpower which can be met by employers in hiring productive, qualified, and qualifiable minority craftsmen, these ranges should be developed to cover an extended period of time. Testimony at the hearing indicated that a 4-year duration for the plan is proper as the greatest need for additional manpower in the industry will take place during the first part of the decade. Therefore, it is found and determined that in order for these regulations to effect equal employment to the fullest extent, the standards of minority utilization should be determined for the next 4 years.

§ 60–10.15 Conclusion of findings.

(a) *Current minority participation.* It is found in the Camden area work force data submitted at the public hearings, that minority representation in the construction industry in general is almost exclusively in the least remunerative jobs while most of the highly skilled and most remunerative trades in the same area and industry have an insignificant number of minority representatives, e.g., electricians, 2.3 percent, sheetmetal workers, 3.3 percent, plumbers and pipefitters, 0.0 percent, etc. Thus, it appears that the most skilled and most remunerative trades have a level of minority representation far below that which should have resulted from meaningful past participation in the industry without regard to race, color, or national origin. Therefore, it is determined that these rules are necessary to provide for minority participation in the following trades:

Asbestos workers
Boilermakers
Bricklayers
Carpenters
Cement masons
Electricians
Elevator constructors
Glaziers
Lathers
Operating engineers
Painters/decorators/paperhangers
Plasterers
Plumbers/pipefitters/steamfitters
Roofers
Sheetmetal workers
Sprinkler fitters
Structural metal workers
Wharf and dock builders

(b) *Effect of plan.* A construction contractor working in the Camden area could increase the minority participation in his trade significantly by hiring only minorities to fill new job openings (attrition plus growth). However, to do so would inevitably result in the exclusion of qualified nonminorities from such job opportunities. Based upon the fact that the minority population in the Camden area is approximately 22 percent of the total population, upon the fact that the minority unemployment rate in the Camden area is substantially greater than that of nonminority unemployment, upon the fact that there exists substantial minority underemployment in the area and upon the further fact that significant and effective training programs now exist, it may be reasonably expected that in the filling of new and vacant jobs, effective affirmative action efforts should produce at least one minority applicant for each nonminority applicant for effective construction employment.

(c) *Increased minority participation.* If new and vacated position in only the trades covered by these rules totaling approximately 3,136 through 1976 were filled by one minority worker for each nonminority worker, the resultant increased minority participation in those trades alone through June 1976 would be approximately 1,568 workers. On the basis of the findings indicated above, it is estimated that in excess of 670 minority persons may presently be considered available to fill such jobs, many of whom possess some degree of training. Within the anticipated increase in those who should be available over the next 4 years, it appears that more than sufficient numbers of minority workers will be available to effectively fill new and vacated construction trade positions.

(d) *Purpose of ranges.* By establishing ranges which anticipate good faith efforts by construction contractors to fill new and vacated jobs on at least a 1-to-1 minority-to-nonminority basis through June 1976, contractors may recruit from available minority manpower without displacing any existing craftsmen and without discriminating against any nonminority applicant for employment.

(e) *Evaluation and advisory recommendations.* The Department recognizes that the contractors, unions, and minority community, who must operate on a day-to-day basis under the requirements of these regulations, are in the best positions to evaluate the effectiveness of these regulations. Therefore, the Department shall make every effort to encourage and develop a voluntary committee representing these three groups, which committee shall periodically review the effectiveness of these regulations and make advisory recommendations to the Department in this regard.

Subpart C—Nondiscriminatory Purpose of the Plan; Requirements; Exemptions; Effective Date

§ 60–10.20 Nondiscriminatory purpose of the plan.

The purpose of the contractor's commitment to specific goals is to meet the contractor's affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee.

§ 60–10.21 Requirements.

After full consideration and in view of the foregoing, it is determined that:

(a) No contracts or subcontracts shall be awarded for Federal and federally assisted construction in the Camden, N.J., area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, the document identified as Appendix A, notice of requirement for submission of affirmative action plan to insure equal employment opportunity or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all of his work (both Federal and non-Federal) within the Camden, N.J. area, during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established in Appendix A of this part. Such appendix is for all purposes a part of these regulations and shall be deemed a part of all contracts executed pursuant to these regulations. Minority manpower means, for the purposes of these rules, Negroes, Spanish surnamed Americans, Orientals, and American Indians and includes both men and women. The trades utilizing the following classifications of employees are covered by these rules:

Asbestos Workers
Boilermakers
Bricklayers
Carpenters
Cement Masons
Electricians
Elevator Constructors
Glaziers
Lathers
Operating Engineers
Painters/Decorators/Paperhangers
Plasterers
Plumbers/Pipefitters/Steamfitters
Roofers
Sheetmetal Workers
Sprinkler Fitters
Structural Metal Workers
Wharf and Dock Builders

(b) The requirements of paragraph (a) of this section shall not apply with respect to the trade of Operating Engineers as to bidders, contractors and subcontractors maintaining collective bargaining agreements with Local No. 825, Operating Engineers, providing for the referral of employees by that local union to such contractors regarding that trade, provided that this exemption shall remain in effect only so long as Local 825 fully complies with the terms and requirements of a Consent Decree between it and the United States.

(c) Each Federal agency shall include, or require the applicant to include, in the invitation for bids, or other solicitation used for a federally involved (Federal or federally assisted) construction contract, when the estimated total cost of the construction project exceeds $500,000, a notice stating that to be eligible for award, each bidder will be required to comply with Appendix A for the hereinbefore designated trades unless the applicant is exempted under paragraph (b) of this section to be used during the term of the performance of the contract—whether or not the work is subcontracted. The form of such notice shall be substantially similar to such Appendix A.

§ 60–10.22 Exemptions.

Requests for exemptions from these regulations must be in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

Effective date. The provisions of this part will be effective with respect to transactions for which the invitations for bids or other solicitations for bids, or additions or amendments thereto, are sent on or after the publication of these regulations.

Subpart D—Appendix A

§ 60–10.30 Appendix A.

•For inclusion in the invitation or other solicitation for bids for a federally involved construction contract in the Camden, N.J., area, when the estimated total cost of the construction project exceeds $500,000.

NOTICE OF REQUIREMENT FOR SUBMISSION OF AFFIRMATIVE ACTION PLAN TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

NOTICE: TO BE ELIGIBLE FOR AWARD OF THE CONTRACT, EACH BIDDER MUST FULLY COMPLY WITH THE REQUIREMENTS, TERMS AND CONDITIONS OF THIS APPENDIX A

The following are hereby submitted by the undersigned bidder as its goals for minority manpower utilization ("minority" being Negro, Spanish surnamed American, Oriental and American Indian and includes both men and women) to be achieved on all work of the bidder within the Camden, N.J. area during the terms of his performance of this contract in the trades specified below in conformity with the requirements, terms and conditions of this Appendix A as hereinafter set forth:

Trade	*Total Number of Manhours to be worked by Minority Persons on All Bidder's Projects within the Camden Area Including on this Contract, Expressed in Terms of a Percentage of the Total Number of Manhours to be Worked Until June 30, 1974*
Asbestos Workers	
Boilermakers	
Bricklayers	
Carpenters	
Cement Masons	
Electricians	
Elevator Constructors	
Glaziers	
Lathers	
Operating Engineers	
Painters/Decorators/ Paperhangers	
Plasterers	
Plumbers/Pipefitters/ Steamfitters	
Roofers	
Sheetmetal Workers	
Sprinkler Fitters	
Structural Metal Workers	
Wharf and Dock Builders	

Trade	*Total Number of Manhours to be Worked by Minority Persons on All Bidder's Projects within the Camden Area Including on this Contract, Expressed in Terms of a Percentage of the Total Number of Manhours to be Worked from July 1, 1974 Until June 30, 1975*
Asbestos Workers	
Boilermakers	
Bricklayers	
Carpenters	
Cement Masons	
Electricians	
Elevator Constructors	
Glaziers	
Lathers	
Operating Engineers	
Painters/Decorators/ Paperhangers	
Plasterers	
Plumbers/Pipefitters/ Steamfitters	
Roofers	
Sheetmetal Workers	
Sprinkler Fitters	
Structural Metal Workers	
Wharf and Dock Builders	

Trade	*Total Number of Manhours to be worked by Minority Persons on All Bidder's Projects within the Camden Area Including on this Contract, Expressed in Terms of a Percentage of the Total Number of Manhours to be Worked from July 1, 1975 Until June 30, 1976*
Asbestos Workers	
Boilermakers	
Bricklayers	
Carpenters	
Cement Masons	
Electricians	
Elevator Constructors	
Glaziers	
Lathers	
Operating Engineers	
Painters/Decorators/ Paperhangers	
Plasterers	
Plumbers/Pipefitters/ Steamfitters	
Roofers	
Sheetmetal Workers	
Sprinkler Fitters	
Structural Metal Workers	
Wharf and Dock Builders	

Trade	*Total Number of Manhours to be worked by Minority Persons on All Bidder's Projects within the Camden Area Including on this Contract, Expressed in Terms of a Percentage of the Total Number of Manhours to be Worked from July 1, 1976 Until June 30, 1977*
Asbestos Workers	
Boilermakers	
Bricklayers	
Carpenters	
Cement Masons	
Electricians	
Elevator Constructors	
Glaziers	
Lathers	
Operating Engineers	
Painters/Decorators/ Paperhangers	
Plasterers	
Plumbers/Pipefitters/ Steamfitters	
Roofers	
Sheetmetal Workers	
Sprinkler Fitters	
Structural Metal Workers	
Wharf and Dock Builders	

Requirements, terms and conditions. 1. No contracts or subcontracts shall be awarded for Federal or federally assisted construction in the Camden, N.J., area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, this document designated as Appendix A, or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all his work (both Federal and non-Federal) within the Camden, N.J., area during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established by this appendix in section 2 thereof. Minority manpower means, for the purposes of this appendix, Negroes, Spanish surnamed Americans, Orientals and American Indians and includes both men and women. The trades utilizing the following classifications of employees are covered by this appendix:

Asbestos Workers
Boilermakers
Bricklayers
Carpenters
Cement Masons
Electricians
Elevator Constructors
Glaziers
Lathers
Operating Engineers
Painters/Decorators/Paperhangers
Plasters
Plumbers/Pipefitters/Steamfitters
Roofers
Sheetmetal Workers
Sprinkler Fitters
Structural Metal Workers
Wharf and Dock Building

A bidder who fails or refuses to complete or submit such goals shall not be deemed a responsive bidder and may not be deemed a responsive bidder and may not be awarded the contract or subcontract, but such goals need be submitted only for those trades which the contractor contemplates to be used in the performance of the federally involved contract. In no case shall there be any negotiations over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

2. The following ranges, constituting acceptable minimums within which a prospective contractor or subcontractor must establish his goals are hereby established as the standards for minority manpower utilization for each of the designated trades in the Camden, N.J., area for the next 4 years:

Trade	*Range of Minority Group Employment Until June 30, 1974* (Percent)
Asbestos Workers	2.9%– 5.8%
Boilermakers	2.7%– 5.4%
Bricklayers	11.2%–13.4%
Carpenters	6.8%– 7.6%
Cement Masons	3.0%– 6.0%
Electricians	5.2%– 8.1%
Elevator Constructors	2.7%– 5.4%
Glaziers	4.0%– 8.0%
Lathers	2.7%– 5.4%
Operating Engineers	2.5%– 5.0%
Painters/Decorators/ Paperhangers	2.8%– 4.8%
Plasters	11.0%–13.0%
Plumbers/Pipefitters/ Steamfitters	2.1%– 4.2%
Roofers	2.1%– 4.2%
Sheetmetal Workers	2.8%– 5.6%
Sprinkler Fitters	2.7%– 5.4%
Structural Metal Workers	5.7%– 8.1%
Wharf & Dock Builders	2.7%– 5.4%

Trade	*Range of Minority Group Employment From July 1, 1974 Until June 30, 1975* (Percent)
Asbestos Workers	5.8%– 8.7%
Boilermakers	5.4%– 8.1%
Bricklayers	13.4%–15.6%
Carpenters	7.6%– 9.4%
Cement Masons	6.0%– 9.0%
Electricians	8.1%–12.0%
Elevator Constructors	5.4%– 8.1%
Glaziers	8.0%–12.0%
Lathers	5.4%– 8.1%
Operating Engineers	5.0%– 7.5%
Painters/Decorators/ Paperhangers	4.8%– 6.8%
Plasterers	13.0%–15.0%
Plumbers/Pipefitters/ Steamfitters	4.2%– 6.3%
Roofers	4.2%– 6.3%
Sheetmetal Workers	5.6%– 8.4%
Sprinkler Fitters	5.4%– 8.1%
Structural Metal Workers	8.1%–10.5%
Wharf & Dock Builders	5.4%– 8.1%

Trade	*Range of Minority Group Employment From July 1, 1975 Until June 30, 1976* (Percent)
Asbestos Workers	8.7%–11.6%
Boilermakers	8.1%–10.8%
Bricklayers	15.6%–17.8%
Carpenters	9.4%–11.2%
Cement Masons	9.0%–12.0%
Electricians	12.0%–14.9%
Elevator Constructors	8.1%–10.0%
Glaziers	12.0%–16.0%
Lathers	8.1%–10.8%
Operating Engineers	7.5%–10.0%
Painters/Decorators/ Paperhangers	6.8%– 8.8%
Plasterers	15.0%–17.0%
Plumbers/Pipefitters/ Steamfitters	6.3%– 8.4%
Roofers	6.3%– 8.4%
Sheetmetal Workers	8.4%–11.2%
Sprinkler Fitters	8.1%–10.8%
Structural Metal Workers	10.5%–12.9%
Wharf & Dock Builders	8.1%–10.8%

Trade	*Range of Minority Group Employment From July 1, 1976 Until June 30, 1977* (Percent)
Asbestos Workers	11.6%–14.5%
Boilermakers	10.8%–13.5%
Bricklayers	17.8%–20.0%
Carpenters	11.2%–13.0%
Cement Masons	12.0%–15.0%
Electricians	14.9%–17.8%
Elevator Constructors	10.8%–13.5%
Glaziers	16.0%–20.0%
Lathers	10.8%–13.5%
Operating Engineers	10.0%–12.5%
Painters/Decorators/ Paperhangers	8.8%–12.8%
Plasterers	17.0%–19.0%
Plumbers/Pipefitters/ Steamfitters	8.4%–10.5%
Roofers	8.4%–10.5%
Sheetmetal Workers	11.2%–14.0%
Sprinkler Fitters	10.8%–13.5%
Structural Metal Workers	12.9%–15.3%
Wharf & Dock Builders	10.8%–13.5%

After the first year of the program, the standards (trades and ranges) set forth herein shall be reviewed to determine whether the projections on which these standards are based adequately reflect the construction labor market situation at that time. Reductions or other significant fluctuations in federally involved construction shall be specifically reviewed from time to time as to their effect upon the practicality of the standards. In no event, however, shall the standards be increased or trades be added to the list of covered trades after bids have been received.

The contractor's or subcontractor's goals established within the above ranges shall express the contractor's or subcontractor's commitment to the percentage of minority personnel who will be working in each specified craft on each of his projects (whether federally involved or otherwise) within the Camden, N.J., area during the term of the covered contract.

The man-hours for minority workers must be substantially uniform throughout the entire length of the contract for each of the designated trades, to the effect that the percentage of minority workers in the designated trades must be working throughout the length of work on each project in each trade. The contractor or subcontractor shall be deemed to have met his commitment to specific goals for minority manpower utilization:

(a) If the minority manpower utilization rate of the contractor or subcontractor itself meets the goals of the total of all of the contractor's or subcontractor's facilities within the Camden area: *Provided, however,* That if the contractor has denied equal employment opportunity; he shall not be in compliance with this appendix, or

(b) If the contractor or subcontractor can establish that it is a member of a contractor's association or other employer organization or association which has as one of its purposes the expanded utilization of minority manpower and the total utilization rate of minority craftsmen by all member contractors and subcontractors of such an association or organization on all projects in which they are involved within the Camden area meets the contractor's or subcontractor's commitments: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix, or

(c) If the contractor or subcontractor can establish that it has a collective bargaining agreement with a labor organization, that it utilizes such organization as its source for over 80 percent of its manpower needs and (i) that the percentage total of minority membership of such organization and the total percentage of minorities referred for employment on all projects within the Camden area meets the contractor's or subcontractor's commitments or (ii) that such labor organization has made good faith efforts as described in 5 below in the referral of minorities for employment and the admission of minorities to membership: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix.

3. Whenever a contractor or subcontractor uses trades covered by this appendix which were not contemplated at the time of his bid and he therefore does not submit goals for such trades, he shall be deemed to be committed to the minority group employment goal of the minimum percentage range for that trade for the appropriate year.

In the event that under a contract subject to this appendix any work by a trade covered by this appendix is performed after June 30, 1976, the determined ranges of minority group employment for the year ending June 30, 1976, shall be applicable to such work.

4. The contractor's and subcontractor's commitment to specific goals is to meet affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's or contractor's attention that the goals are being used in a discriminatory manner, he shall immediately report that fact to the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate proceedings may be instituted.

5. The contractor's or subcontractor's (collectively hereinafter referred to as "contractor") commitment to specific goals for minority manpower utilization as required by this Appendix A shall constitute a commitment that it or the labor organization described in 2(c) above, will make every good faith effort to meet such goals. If the contractor has failed to meet his goals, a determination of "good faith" will be based upon his efforts or those of such labor union to broaden its recruitment base which efforts shall include but not be limited to the following as applicable:

(a) Notification to the community organizations that the contractor or union has employment opportunities available and maintenance of records regarding the organizations' response.

(b) Maintenance of a file of the names and addresses of each minority worker referred by the union or to the contractor and what action was taken with respect to each such referred worker. If such worker was not sent to the union hiring hall for referral or if such worker was not referred by the union or not employed by the contractor, the file should document this and the reasons therefor.

(c) The contractor shall promptly notify the OFCC area coordinator when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his efforts to meet his goal.

(d) Participation in training programs in the area, especially those funded by the Department of Labor.

(e) Dissemination of the contractor's or union's EEO policy within the respective organizations as applicable, by including it in any policy manual; by publicizing it in company or union newspapers, annual report, etc.; by conducting meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority employees or members.

(f) Dissemination of its EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all contractors and subcontractors.

(g) Specific and constant personal (both written and oral) recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations, and minority training organizations, within the contractor's or union's recruitment area.

(h) Specific efforts to encourage present minority employees or members to recruit their friends and relatives.

(i) Validation of all man specifications, selection requirements, tests, etc.

(j) Making every effort to provide after-school, summer and vacation employment to minority youths.

(k) Where reasonable, the development of on-the-job training opportunities and participation and assistance in any association or group training programs relevant to the contractor's or union's needs.

(l) Continuing inventory and evaluation of all minority personnel or members for promotion opportunities and encouragement of minority employees or members to seek such opportunities.

(m) Assuring that seniority practices, job classifications, etc., do not have a discriminatory effect.

(n) Assuring that all facilities and activities are nonsegregated.

(o) Continual monitoring of all personnel activities to insure that its EEO policy is being carried out.

(p) The contractor shall solicit bids for subcontracts from available minority subcontractors with the trades covered by this appendix, to the maximum extent practicable including circulation of minority contractor associations.

6. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the contractor or subcontractor meets its goals or if the contractor or subcontractor can demonstrate that it has made every good faith effort to meet those goals, and is not otherwise violating any existing equal employment opportunity laws or regulations, the contractor shall be presumed to be in compliance with Executive Order 11246, the implementing regulations and its obligations under this appendix and no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determines that the contractor or subcontractor is not providing equal employment opportunities. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its appendix, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and the regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of this appendix, but the contractor's failure to meet his goals shall shift to him the requirement to come forward with evidence to show that either he or his union, described in 2(c) above, has made every "good faith" effort (as described in 5 above) to meet such goals. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a "responsible prospective contractor" within the meaning of the Federal procurement regulations.

7. Except as provided herein, it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act, as amended, and title VII of the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization which does not meet the criteria prescribed in 5 above and they are, thus, prevented from meeting the obligations pursuant to Executive Order 11246 (as amended), such contractors cannot be con-

sidered to be in compliance with Executive Order 11246 (as amended), or the implementing rules, regulations, and orders.

8. All prime contractors and subcontractors shall include in all bid invitations or other prebid communications, written or otherwise, with respect to their prospective subcontractors, the goals, as applicable, which are required under this appendix. Whenever a prime contractor or subcontractor subcontracts a portion of the work in any trade designated herein, he shall include in such subcontract his commitment made under this appendix, and reference to the provisions of paragraph 3, of this appendix, as applicable, which shall be adopted by his subcontractor, who shall be bound thereby and by this appendix to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractor to fulfill his requirements. However, the prime contractor or subcontractor shall give notice to the Area Coordinator of the Office of Federal Contract Compliance of the Department of Labor and the contracting agency of any refusal or failure of any subcontractor to fulfill his obligations under this appendix. Failure of compliance by any subcontractor will be treated in the same manner as such failure by the prime contractor.

9. Contractors and subcontractors must keep such records and file such reports relating to the provisions of this appendix as shall be required by the contracting or administering agency.

10. Nothing in this appendix shall be interpreted to diminish the responsibilities of the contracting and administering agencies nor the obligations of contractors or subcontractors pursuant to Executive Order 11246 for those trades and those contracts not covered by this appendix.

11. The procedures set forth in this appendix shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within 30 days.

12. Nothing in this appendix shall be interpreted to diminish the present contract compliance review and complaint programs.

13. Requests for exemptions from this appendix must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

14. This appendix shall be signed in the space provided below.

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(Date) (Bidder)

By: ----------

Signed at Washington, D.C., this 1st day of August 1973.

PETER J. BRENNAN,
Secretary of Labor.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.73-16487 Filed 8-9-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1111, Amdt. 10]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co.

Delaware and Hudson Railway Company authorized to operate over tracks of Erie Lackawanna Railway Company Thomas F. Patton and Ralph S. Tyler, Jr., trustees.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of July 1973.

Upon further consideration of Service Order No. 1111 (37 FR 19617, 22872, 25237; 38 FR 878, 3332, 5637, 8446, 10942, 14755, and 18025), and good cause appearing therefor:

It is ordered, That: § 1033.1111 *Service Order No. 1111* (Delaware and Hudson Railway Company authorized to operate over tracks of Erie Lackawanna Railway Company Thomas F. Patton and Ralph S. Tyler, Jr., trustees) Service Order No. 1111 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1973.

(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 a copy of this amendment shall be served upon the Association of American Railroad, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment 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.73-16599 Filed 8-9-73;8:45 am]

[S.O. 1147]

PART 1033—CAR SERVICE

Norfolk and Western Railway Co.

Norfolk and Western Railway Company authorized to operate over joint tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company and Chicago, Rock Island and Pacific Railroad Company and over tracks of the Kansas City Southern Railway Company.

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

It appearing, that there are trainload movements of automobiles and automobile parts and of returning empty cars, passing through terminals at Kansas City, Missouri, between the Norfolk and Western Railway Company (N&W) on the east, and the Chicago, Rock Island and Pacific Railroad Company (RI), or the Missouri Pacific Railroad Company (MP) on the west; that presently established interchange routes through this terminal require circuitous movements and repeated handling in intermediate classification yards, thus congesting these facilities; that the carriers involved have agreed with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milw) and The Kansas City Southern Railway Company (KCS) for use of certain of their tracks in Kansas City by the N&W; that such use of Milw and KCS tracks by the N&W will enable the N&W to make direct interchange of trains with the MP and the RI; that such direct interchanges will result in significant reductions in congestion in the Kansas City terminals of the N&W, MP, and RI and will improve car utilization; that operation by the N&W over certain tracks of the Milw and of the KCS at Kansas City 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 thirty days' notice.

It is ordered, That:

§ 1033.1147 Service Order No. 1147.

(a) *Norfolk and Western Railway Company authorized to operate over joint tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company and Chicago, Rock Island and Pacific Railroad Company and over tracks of the Kansas City Southern Railway Company.* The Norfolk and Western Railroad Company (N&W) be, and it is hereby authorized to operate over tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milw) between Birmingham, Missouri, station 25041+27.9 and Air Line Junction, Missouri, station 25272+78.9, a distance of approximately 4.38 miles, and over tracks of The Kansas City Southern Railway Company (KCS) between Air Line Junction, Missouri, station 25272+78.9 and station 25302+35.7, a distance of approximately 0.56 miles, and over joint Milw-KCS tracks between station 25302+35.7 and a connection with the Kansas City Terminal Railway Company, station 25308+69.3, a distance of approximately 0.12 miles, the total distance of all of the aforesaid trackage being approximately 5.06 miles, and all located within the Kansas City, Missouri, terminal area.

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

(c) *Rates applicable.* Inasmuch as this operation by the N&W over tracks of the Milw and KCS is deemed to be due to carrier's disability, the rates applicable to traffic moved by the N&W over these tracks of the Milw and KCS 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 12:01 a.m., August 7, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 15, 1974, 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.73-16598 Filed 8-9-73;8:45 am]

Title 7—Agriculture Department

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

PART 26—GRAIN STANDARDS

Official Grain Standards of the United States for Wheat

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 12814) on May 16, 1973, regarding a proposed amendment to clarify § 26.314 of the Official Grain Standards of the United States for Wheat (7 CFR 26.301 et seq.) promulgated under the authority of the United States Grain Standards Act (7 U.S.C. 71 et seq.).

Statement of considerations. The United States Grain Standards Act provides for official U.S. standards to designate the levels of quality of grain for voluntary use by producers, merchandisers, and consumers in the domestic marketing of grain and for mandatory use in the export marketing of grain. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Section 26.314 of the Official Standards for Wheat formerly read:

Section 26.314 *Basis of determination.* Each determination of dockage, moisture, temperature, odor, garlic, live weevils or other insects injurious to stored grain, and distinctly low quality shall be upon the basis of the grain as a whole. All other determinations shall be upon the basis of the grain when free from dockage.

In administration of this section, determinations of the presence of crotalaria seeds, large stones, castor beans, broken glass, animal filth, unknown foreign substances, and commonly recognized harmful or toxic substances have been and are being made, with trade concurrence, on the basis of the wheat as a whole (i.e., before the dockage has been removed) in view of the fact that the presence of such materials is analogous to the conditions which result in wheat being considered to be "otherwise of distinctly low quality" within the requirements of the wheat standards. For this reason, a proposal was made to clarify the section by specifying that the determination of each of these conditions be made on the basis of the wheat as a whole.

Interested persons were given 60 days in which to submit written or oral comments, suggestions, or objections regarding the proposed amendment. No objections have been received and the amended § 26.314 is set forth below:

§ 26.314 Basis of determination.

Each determination of dockage, moisture, temperature, odor, garlic, live weevils or other insects injurious to stored grain, crotalaria seeds, large stones, castor beans, broken glass, animal filth, an unknown foreign substance, a commonly recognized harmful or toxic substance, and otherwise distinctly low quality shall be upon the basis of the grain as a whole. All other determinations shall be upon the basis of the grain when free from dockage.

The amendment clarifies the standards to reflect approved inspection practices. No benefit to the public would accrue by not making the amendment effective immediately. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective on August 10, 1973.

Done at Washington, D.C., on August 3, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73-16400 Filed 8-9-73;8:45 am]

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

ADDITIONS TO REGULATED AREAS

This document amends the supplemental regulation which lists regulated areas for purposes of the Federal Imported Fire Ant Quarantine by adding to the regulated areas all or parts of the following previously nonregulated counties: Chicot in Arkansas; Dixie, Gilchrist, Glades, and Levy in Florida; Echols in Georgia; Tishomingo in Mississippi; Pamlico and Robeson in North Carolina; Barnwell in South Carolina; Fayette, Houston, and Washington in Texas. It also extends the regulated areas in the following previously regulated counties: Ashley in Arkansas; Alachua, Brevard, Charlotte, Columbia, Flagler, Highlands, Lafayette, Lake, Lee, Leon, Madison, Marion, Osceola, Putnam, St. Johns, Suwannee, Taylor, and Volusia in Florida; Bacon, Carroll, Clinch, Columbia, Coweta, Fayette, Heard, Jasper, Johnson, Lanier, McIntosh, Putnam, Tattnall, Toombs, Treutlen, Ware, and Washington in Georgia; Carroll, Humphreys, Prentiss, Union, and Yalobusha in Mississippi; Brunswick and Columbus in North Carolina; Georgetown, Hampton, Kershaw, and Sumter in South Carolina; and Collin in Texas. Various minor changes are also made.

Under sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.81–2 of the Imported Fire Ant Quarantine regulations, 7 CFR 301.81–2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.81–2a, is hereby amended as set forth below:

§ 301.81–2a Regulated Areas; suppressive and generally infested areas.

* * * * *

1. In § 301.81–2a relating to the State of Arkansas, under generally infested area, the entire description is changed as set forth below:

ARKANSAS

(1) *Generally infested area.*

Ashley County. That portion of the county lying south of the south line of T. 16 S.; Secs. 35 and 36, T. 16 S., R. 8 W.

Bradley County. That portion of the county lying south of the south line of T. 15 S.

Chicot County. That portion of the county lying south of the south line of T. 16 S., including all of Pickett Island.

Lafayette County. Secs. 4, 5, 8, and 9, T. 20 S., R. 23 W.; secs. 2, 3, 10, and 11, T. 20 S., R. 25 W.

Union County. The entire county.

2. In § 301.81–2a relating to the State of Florida, under generally infested area, the entire description is changed as set forth below:

FLORIDA

(1) *Generally infested area.*

Alachua County. The entire county.
Baker County. The entire county.
Bay County. The entire county.
Bradford County. The entire county.
Brevard County. The entire county.
Calhoun County. The entire county.
Charlotte County. The entire county.
Citrus County. The entire county.
Clay County. The entire county.
Collier County. Sec. 12, T. 49 S., R. 25 E.
Columbia County. The entire county.
De Soto County. The entire county.
Dixie County. The entire county.
Dural County. The entire county.
Escambia County. The entire county.

FLORIDA—Continued

Flagler County. The entire county.
Franklin County. The entire county.
Gadsden County. The entire county.
Gilchrist County. The entire county.
Glades County. The entire county.
Gulf County. The entire county.
Hamilton County. The entire county.
Hardee County. The entire county.
Hernando County. The entire county.
Highlands County. The entire county.
Hillsborough County. The entire county.
Holmes County. The entire county.
Jackson County. The entire county.
Jefferson County. The entire county.
Lafayette County. The entire county.
Lake County. The entire county.
Lee County. The entire county.
Leon County. The entire county.
Levy County. The entire county.
Liberty County. The entire county.
Madison County. The entire county.
Manatee County. The entire county.
Marion County. The entire county.
Nassau County. The entire county.
Okaloosa County. The entire county.
Orange County. The entire county.
Osceola County. The entire county.
Pasco County. The entire county.
Pinellas County. The entire county.
Polk County. The entire county.
Putnam County. The entire county.
St. Johns County. The entire county.
Santa Rosa County. The entire county.
Sarasota County. The entire county.
Seminole County. The entire county.
Sumter County. The entire county.
Suwannee County. The entire county.
Taylor County. The entire county.
Union County. The entire county.
Volusia County. The entire county.
Wakulla County. The entire county.
Walton County. The entire county.
Washington County. The entire county.

3. In § 301.81–2a relating to the State of Georgia, under generally infested area, the following counties are redescribed or added in alphabetical order as set forth below:

GEORGIA

(1) *Generally infested area.*

* * * * *

Bacon County. The entire county.

* * * * *

Carroll County. That portion of the county lying within Georgia Militia Districts 1163, 1541, 682, 713, 1533, and 1310.

* * * * *

Clinch County. The entire county.

* * * * *

Columbia County. That portion of the county lying within Georgia Militia Districts 129 and 125.

* * * * *

Coweta County. The entire county.

* * * * *

Echols County. The entire county.

* * * * *

Fayette County. The entire county.

* * * * *

Heard County. The entire county.

* * * * *

Jasper County. That portion of the county lying within George Militia District 296, and that portion of county lying south of State Highway 16, including the city of Monticello.

* * * * *

Jackson County. The entire county.

* * * * *

Lanier County. The entire county.

* * * * *

McIntosh County. The entire county.

* * * * *

Putnam County. That portion of the county lying within Georgia Militia Districts 311, 312, 314, and 369.

* * * * *

Tattnall County. The entire county.

* * * * *

Toombs County. The entire county.
Treutlen County. The entire county.

* * * * *

Ware County. The entire county.
Washington County. The entire county.

* * * * *

4. In § 301.81–2a relating to the State of Mississippi, under generally infested area, the following counties are redescribed or added in alphabetical order as set forth below:

MISSISSIPPI

(1) *Generally infested area.*

* * * * *

Carroll County. That portion of the county lying east of the west line of R. 4 E.

* * * * *

Humphreys County. S.W.¼ T. 13 N.; R. 3 W., S.½ T. 13 N., R. 4 W.; T. 16 N., R. 3 W.; and that portion of T. 17 N., R. 3 W.

* * * * *

Prentiss County. All R. 9 E.; and portions of T. 7 S., R. 7 E. and T. 7 S., R. 8 E.

* * * * *

Tishomingo County. That portion of the county lying south of the north line of T. 6 S.
Union County. The entire county.

* * * * *

Yalobusha County. All of Tps. 10, 11, and 12 S., Rs. 3 and 4 W.; all of Tps. 23 and 24 N., Rs. 5, 6, and 7 E.; and T. 25 N., Rs. 6 and 7 E.

* * * * *

5. In § 301.81–2a relating to the State of North Carolina, under generally infested area, the following counties are redescribed or added in alphabetical order as set forth below:

NORTH CAROLINA

(1) *Generally infested area.*
Brunswick County. The entire county.

* * * * *

Columbus County. That area bounded by a line beginning at a point where North Carolina Highway 130 junctions with State Secondary Road 1170, thence southeast along said road to the Waccamaw River, thence southwest along said river to the North Carolina-South Carolina State line, thence northwest along said state line to its junction with the Tabor City boundary line, thence north and east along said boundary line to its intersection with the Seaboard Coast Line Railroad, thence northeast and north along said railroad to its intersection with State Secondary Road 1004, thence northeast along said road to its junction with U.S. Highway 701, thence north along said highway to its junction with State Secondary Road 1170, thence east along said road to point of beginning, including all of the town of Brunswick.

* * * * *

Pamlico County. That portion of the county bounded by a line beginning at a point where Goose Creek intersects North Carolina Highway 55, thence east and southeast along said highway to its junction with State Secondary Road 1322, thence east along said road to its junction with State Secondary Road 1321, thence northeast along said road to its junction with Broad Creek, thence east along said creek to its junction with Pamlico Sound, thence southwest along said sound to its junction with the Neuse River, thence southwest and northwest along said river to its junction with Goose Creek, thence northwest along said creek to the point of beginning, excluding the corporate limits of Alliance, Bayboro, and Stonewall.

Robeson County. That area bounded by a line beginning at a point where the Lumber River intercepts Interstate Highway 95, thence east and south along said river to the Columbus-Robeson County line, thence southwest along said county line and Lumber River to their intersection with the North Carolina-South Carolina State line, thence northwest along said state line to the Seaboard Coast Line Railroad, thence northeast along said railroad to its intersection with the Lumber River, thence southeast and east along said river to the point of beginning.

6. In § 301.81–2a relating to the State of South Carolina, under generally infested area, the following counties are redescribed or added in alphabetical order as set forth below:

SOUTH CAROLINA

(1) *Generally infested area.*

* * * * *

Barnwell County. That portion of the county bounded by a line beginning at a point where State Primary Highway 3 intersects the Barnwell-Allendale County line, thence northerly along said highway to its junction with State Primary Highway 70, thence northeasterly along said highway to its intersection with the Barnwell-Bamberg County line, thence in a southerly direction along said line to its junction with the Allendale Couny line, thence in a westerly direction along said line to the point of beginning.

* * * * *

Georgetown County. The entire county.
Hampton County. That portion of the county bounded by a line beginning at a point where the Savannah River junctions with the Hampton-Allendale County line, thence extending east and northeast along said county line to its junction with State Secondary Highway 39, thence south and east along said highway to its junction with State Primary Highway 631, thence east along said highway to its junction with State Secondary Highway 50, thence northeast along said highway to its junction with State Secondary Highway 55, thence east along said highway to its junction with U.S. Highway 278, thence southeast along said highway to its junction with State Secondary Highway 27, thence northeast along said highway to its junction with State Primary Highway 68, thence southeast along said highway to its intersection with the Seaboard Coast Line Railroad, thence southwest along said railroad to its intersection with the Tullifinny River, thence northwest along said river to its junction with the Coosawhatchie River, thence northwest along said river to its junction with the Hampton-Jasper County line, thence southwest along said county line to its junction with the Savannah River, thence northwest and north along said river to the point of beginning.

* * * * *

Kershaw County. That portion of the county lying south of State Primary Highway 34.

* * * * *

Sumter County. That portion of the county bounded by a line beginning at a point where State Primary Highway 261 intersects the Sumter-Kershaw County line, thence in a southerly direction along said highway to its junction with State Primary Highway 763, thence east along said highway to its intersection with the corporate limits of the city of Sumter; thence in a southerly and easterly direction along said city limits to its intersection with U.S. Highway 521, thence in a southeasterly direction along said highway to its intersection with the Sumter-Clarendon County line, thence in a southwesterly direction along said line to its junction with the Santee River, thence northwesterly along said river to its junction with the Wateree River, thence northerly along said river to its junction with the Sumter-Kershaw County line, thence northeasterly and easterly along said county line to the point of beginning.

* * * * *

7. In § 301.81–2a relating to the State of Texas, under generally infested area, the following counties are redescribed or added in alphabetical order as set forth below:

TEXAS

(1) *Generally infested area.*

* * * * *

Collin County. That portion of the county bounded by a line beginning at a point where Texas State Highway 24 intersects the Collin-Denton County line and extending east along said road to its intersection with Texas State Highway 5, thence southerly along said highway to its intersection with the Collin-Dallas County line, thence west along said county line to its junction with the Collin-Denton County line, thence north along said county line to the point of beginning, including the entire cities of McKinney, Plano, Renner, and Allen.

* * * * *

Fayette County. That portion of the county bounded by a line beginning at a point where Texas Highway 159 intersects U.S. Highway 77 thence northeasterly along Texas Highway 159 to its intersection with Texas Highway 237, thence northeasterly along said highway to the Fayette-Washington County line, thence southeasterly along said county line to its junction with the Fayette-Austin County line, thence southeasterly along said county line to its junction with the Fayette-Colorado County line, thence southwesterly along said county line to its junction with the Fayette-Lavaca County line, thence west along said county line to its intersection with Highway 77, thence northerly along said highway to the point of beginning, including the entire cities of La Grange and Schulenburg.

* * * * *

Houston County. The entire county.

* * * * *

Washington County. That portion of the county lying east of State Highway 36, including the entire city of Brenham.

* * * * *

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 F.R. 28464, 28477; 38 F.R. 19140; 7 CFR 301.81–2)

This amendment shall become effective August 9, 1973.

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that the imported fire ant has been found or there is reason to believe it is present in the civil divisions and parts of civil divisions listed as regulated areas or that it is necessary to regulate such areas because of their proximity to imported fire ant infestation or their inseparability for quarantine enforcement purposes from imported fire ant infested localities. Further, he has also determined that the areas designated as suppressive and generally infested areas are eligible for such designation under § 301.81–1.

The Deputy Administrator has also determined that each of the quarantined States, wherein only portions of the State are designated as regulated areas, has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under the Quarantine and regulations in this subpart, and that the designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the imported fire ant. Therefore, such civil divisions and parts of civil divisions listed above are designated as imported fire ant regulated areas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the imported fire ant and should be made effective promptly to accomplish its purpose in the the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of August 1973.

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

[FR Doc.73–16573 Filed 8–9–73;8:45 am]

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

[Lemon Reg. 598]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This section fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 12–18, 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.

§ 910.898 Lemon Regulation 598.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues active, exceeding supplies on all sizes and grades. Average f.o.b. price was $6.11 per carton the week ended August 4, 1973, compared to $5.69 per carton the previous week. Track and rolling supplies at 145 cars were down 7 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation 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 August 7, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 12, 1973, through August 18, 1973, is hereby fixed at 265,000 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: August 8, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16819 Filed 8–9–73;4:18 pm]

[Lime Reg. 8]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period August 12–18, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.408 Lime Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime 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 limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes continues to weaken, with f.o.b. prices last week ranging from $1.15 to $1.35 per 10 lb. pony, down about 10 cents from the previous week and 35 cents from two weeks ago. Fresh shipments for the weeks ended August 4, 1973, and July 28, 1973, were 26,416 bushels and 27,967 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes 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 Florida limes, 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 submited 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 limes; 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 August 7, 1973.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period August 12, 1973 through August 18, 1973 is hereby fixed at 18,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

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

Dated: August 8, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16743 Filed 8–9–73;8:45 am]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Expenses and Rate of Assessment

This document authorizes expenses of $14,558 of the Washington-Oregon Fresh Prune Marketing Committee, under Marketing Order No. 924, for the 1973–74 fiscal period and fixes a rate of assessment of $0.70 per ton of prunes.

On June 21, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 16234) regarding proposed expenses and the related rate of assessment for the period April 1, 1973, through March 31, 1974, pursuant to the marketing agreement, and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 924.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee during the period April 1, 1973, through March 31, 1974, will amount to $14,558.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 924.41, is fixed at $0.70 per ton of fresh prunes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on April 1, 1973, and said rate of assessment will automatically apply to all such prunes beginning with such date.

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

Dated: August 6, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.73–16509 Filed 8–9–73;8:45 am]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $5,180 of the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee, under Marketing Order No. 925, for the 1973–74 fiscal period and fixes a rate of assessment of $0.005 per one-half bushel (30-pound) contained.

On July 13, 1973, notice of rule making was published in the FEDERAL REGISTER (38 FR 18670) regarding proposed expenses, the related rate of assessment for the fiscal period July 1, 1973, through June 30, 1974, and carryover of unexpended funds from the fiscal period ended June 30, 1973, pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon. This notice allowed interested persons until July 23, 1973, to submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 925.213 **Expenses and rate of assessment.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee during the fiscal period July 1, 1973, through June 30, 1974, will amount to $5,180.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 925.41, is fixed at $0.005 per one-half bushel (30-pound) containers or equivalent quantity of fresh prunes.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1973, shall be carried over as a reserve in accordance with the applicable provisions of §§ 925.42 and 925.203.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on July 1, 1973, and said rate of assessment will automatically apply to all such prunes beginning with such date.

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

Dated: August 7, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16621 Filed 8–9–73;8:45 am]

[Tokay Grape Reg. 9]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Grades and Sizes Requirements

This regulation prescribes the grade and container marking requirements for fresh Tokay grapes shipped from San Joaquin County, California, during the period August 11 through December 31, 1973.

On July 26, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 19972) regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), which regulate the handling of Tokay grapes grown in San Joaquin County, California. The proposed regulation was recommended by the Industry Committee established pursuant to said marketing agreement and order. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons to submit, through August 3, 1973, written data, views, or arguments pertaining to the proposed regulation. None were submitted.

This regulation reflects the Department's appraisal of the Tokay grape crop and the current and prospective market conditions. Seasonal shipments of fresh Tokay grapes are expected to begin on or about August 11, 1973. The grade requirements hereinafter provided, including the minimum size provisions thereof, are designed to prevent the handling, on and after August 11, 1973, of any fresh Tokay grapes grown in the production area which are of lesser quality so as to provide consumers with good quality fruit consistent with the overall quality of the crop, while improving returns to producers and maintaining orderly marketing conditions pursuant to the declared policy of the act. The requirement for more even distribution of color (30 percent of the grapes in the lower quarter of each bunch showing characteristic color) is included also to assure the availability, to consumers, of Tokay grapes of satisfactory quality. It is believed, by the industry, that such quality requirements will be met by a quantity of grapes sufficient to fulfill the market demand. Compliance with the container marking requirement will verify inspection thus assuring compliance with the quality requirements specified herein.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Industry Committee, and upon other available information, it is hereby found that the limitation of handling of Tokay grapes grown in San Joaquin County, California, 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 section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of said Tokay grapes are expected to begin on or about the effective date hereof and this section should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rulemaking concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 19972), and no objection to this section or such effective date was received; and (3) compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 926.310 **Tokay Grape Regulation 9.**

Order. (a) During the period August 11, 1973, through December 31, 1973, no handler shall ship:

(1) Any Tokay grapes, grown in the production area, which do not meet the grade and size specifications of U.S. No. 1 Table Grapes and the following additional requirement: Of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; or

(2) Any container of Tokay grapes, grown in the production area, unless such container bears, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected in accordance with the established grade set forth in this section.

(b) As used herein, the terms "handler," "ship," and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes" and "characteristic color" shall have the same meaning as when used in the United States Standards for Table Grapes (§§51.880–51.912 of this title).

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

Dated: August 7, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16622 Filed 8–9–73;8:45 am]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA, AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Expenses and Rate of Assessment

This document authorizes the Oregon-California Potato Committee to spend not more than 37,181 during the fiscal period ending June 30, 1974, and to collect these funds by assessing first handlers of potatoes one-half cent per hundredweight.

Notice of rule making regarding the proposed expenses, rate of assessment and late payment charges to be effective under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County, was published in the July 13, 1973, FEDERAL REGISTER (38 FR 18672). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining there to not later than July 30, 1973. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato Committee, established under the marketing agreement and order, it is hereby determined that:

§ 947.226 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1974, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $37,181.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period, except seed potatoes and potatoes for canning, freezing and "other processing" as defined in the amendment to the act (P.L. 91–196) shall be exempt.

(c) In accordance with the provisions of § 947.41, late payment charges of $1.00 per month or one percent per month, whichever is greater, shall be charged on the unpaid balance for each past-due account. An account is past-due 60 days after the billing date.

(d) Unexpended income in excess of expenses for the fiscal period ending June 30, 1974, may be carried over as a reserve.

(e) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began July 1, 1973, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

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

Dated: August 6, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16574 Filed 8–9–73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1973 Crop Barley Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Barley Loan and Purchase Program

Correction

In FR Doc. 73–14905 appearing at page 19662 in the issue of Monday, July 23, 1973, make the following changes:

In § 1421.77(a):

1. The rate per bushel under Arkansas, reading "$0.83" should read "$0.88".

2. The rate per bushel under Maryland, reading "$0.98" should read "$0.88".

3. The rate per bushel under South Dakota, Aurora county, reading "$0.75" should read "$0.79".

4. The rate per bushel under Texas, Bell county, reading "$0.96" should read "$0.98"; Martin county reading "$0.88" should read "$0.86"; Reeves county, reading "$0.76" should read "$0.78"; Walker county reading "$1.00" should read "$1.03".

[CCC Grain Price Support Regulations, 1973 Crop Grain Sorghum Supplement]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Grain Sorghum Loan and Purchase Program

Correction

In FR Doc. 73–14906 appearing at page 19665 in the issue of Monday, July 23, 1973, make the following changes:

In § 1421.239(a):

1. The phrase "rate per bushel" used as a column heading should read "rate per cwt."

2. "All counties . . . . $1.80" under Arizona should be deleted.

3. Under "Nebraska", in the second column, the first six counties should read:

County	Rate per cwt.
Nuckolls	$1.63
Otoe	1.67
Pawnee	1.69
Pierce	1.62
Platte	1.62
Polk	1.62

4. Under Texas in the second column, El Paso and Ellis counties, with their respective rates per cwt., should be transposed.

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

[Domestic Uranium Circular 8, Revised]

PART 60—DOMESTIC URANIUM PROGRAM

Uranium Leases on AEC Controlled Lands

Correction

In the FEDERAL REGISTER of Thursday, August 8, 1973, FR Doc. 73–16494 (38 FR 21521) was inadvertently published in the Notices section. It should have been published in the Rules and Regulations section as follows:

1. Notice is hereby given by the Atomic Energy Commission of its modification of Domestic Uranium Program Circular 8 setting forth the regulations concerning the leasing of certain lands controlled by the Commission. This Circular was originally published July 14, 1956 (21 FR 5259). The proposed modification of Circular 8 was published in the FEDERAL REGISTER on November 10, 1970 (35 FR 17271). As a result of comments received from the public on the proposed modified Circular, provision has been made to allow a small business set-aside (under authority of the Small Business Act) of some of the lands for bidding solely by qualified small business concerns.

2. The revised § 60.8 reads as set forth below:

§ 60.8 Uranium leases on lands controlled by commission.

(a) *What this section does.* This section sets forth regulations governing the issuance of leases to permit the exploration for and mining of deposits containing uranium in public lands withdrawn from entry and location under the general mining laws for use of the Commission, and in certain other lands under Commission control.

(b) *Statutory authority.* The Atomic Energy Act of 1954, as amended (68 Stat. 919, 42 USC 2011 et seq.) is the authority for this section.

(c) *Who may hold leases.* Only parties who are (1) citizens of the United States; (2) associations of such citizens; or (3) corporations organized under the laws of the Untied States or territories thereof, are eligible lessees under this section.

Persons under 21 years of age or employees of the Commission are not eligible.

(d) *Issuance of leases through competitive bidding.* Except under special circumstances as provided in paragraph (u) of this section, each lease will be offered through competitive bidding and, except as otherwise provided in this paragraph (d), will be issued to the acceptable bidder offering the highest bid. The bid may be on a cash bonus, royalty bonus, or other basis as specified in the invitation to bid. Invitations to bid on some of the lands may be limited to small business concerns as defined by the Small Business Administration, and such invitations may limit the number of leases to be awarded to each bidder. In such cases the Commission will accept those bids which, in relation to other bids received pursuant to the invitation, are most advantageous to the Government. Before any lease is awarded, the Commission may require high bidders to submit a detailed statement of the facts as to such matters as their experience, organization, and financial resources. The Commission reserves the right to reject any and all bids.

(e) *Solicitation of bids.* Announcements of the availability of invitations to bid for a lease will be publicly posted and published. Copies of such announcements will also be mailed to parties who submit to the Commission's Grand Junction, Colorado Office subsequent to publication in the FEDERAL REGISTER of this Domestic Uranium Program Circular 8, Revised, written requests that their names be placed on a mailing list for receipt of such announcements. The invitations containing information for preparation and submission of bids, will be available at the Grand Junction Office, and will be mailed only on specific written request, following announcement of their availability. Invitations will specify the land to be leased, the basis on which bids are to be submitted, the amount of the monetary deposit which must be transmitted with the bid, the place and time the bids will be publicly opened, the term, royalty and other payments, performance requirements, and other conditions which will become a part of the lease. In addition, data which has been assembled pertaining to the lands to be leased will be available for public inspection at the Grand Junction Office; copies will also be available for purchase.

(f) *Bidding requirements; deposits.* All bids must be filed at the place and prior to the time set forth in the invitation. Each bid must be sealed and accompanied by a deposit, in the form of a certified check, cashier's check, or bank draft, in an amount as specified in the invitation to bid. Deposits of unsuccessful bidders will be returned. If the bidder is an individual, he must submit with his bid a statement of his citizenship and age. If the bidder is an association (including a partnership), the bid shall be accompanied by a certified copy of the articles of association together with a statement as to the citizenship and age of its members. If the bidder is a corporation, evidence that the officer signing the bid had authority to do so and a statement as to the State of incorporation shall also be submitted.

(g) *Awarding of lease.* Following public opening of the bids the Commission, subject to the right to reject any and all bids, will determine the successful bidder. In the event the highest acceptable bids are tie bids, a public drawing will be held by the Commission to determine the successful bidder. After notice of award and within the time period prescribed in the invitation, the successful bidder shall execute and return to the Commission three (3) copies of the lease and shall remit payments due as prescribed in the invitation. should the successful bidder fail to execute the lease, or make payments as required, in accordance with the terms of the invitation, or fail to otherwise comply with applicable regulations, he may be required to forfeit any payments previously made, and lose any further right or interest in the lease. In such event, the Commission may offer the lease to the next highest acceptable bidder, reoffer the lease for bidding, or take such other action as appropriate. If the awarded lease is executed by the bidder through an agent, evidence of authorization must be submitted.

(h) *Dating of lease.* A lease issued under this section will ordinarily be effective as of the date it is signed by the Commission.

(i) *Term of lease.* A lease shall be for the period specified in the invitation to bid. When deemed desirable by the Commission, the lease will provide that the lease term may be extended at the option of the lessee for a specified period and upon stipulated conditions.

(j) *Payments to AEC under lease.* Royalty payments shall be specified in the invitation to bid; base royalty, minimum royalty, advance royalty, land rental payments, or a combination thereof may be required.

(k) *Title to unshipped ore.* The Commission, unless it approves otherwise, reserves all right and title to property in and to all ores and other uranium- or vanadium-bearing material not removed from the leased premises within sixty days after expiration or other termination of the lease. Unless the Commission approves otherwise, all material mined from the leased premises and not marketed by the lessee shall remain on the leased premises.

(l) *Environmental controls.* Each lease will contain such provisions as may be deemed necessary by the Commission with respect to the lessee's use of the leased lands. The Commission may require periodic submission of plans for exploration and mining activities including provisions for control of environmental impact. The lessee will be required to conduct operations so as to minimize adverse environmental effects, to comply with all applicable State and Federal statutes and regulations and to the extent stipulated in the lease agreement, will be held responsible for maintenance or rehabilitation of affected areas in accordance with plans submitted to and approved by the Commission.

(m) *Performance requirements.* A lease shall require that exploration, development, and mining activities, as appropriate, be conducted on the leased premises with reasonable diligence, skill, and care as required to achieve and maintain production of uranium ore at rates consistent with good and safe mining practice, and with market conditions.

(n) *Health and safety requirements.* A lease (1) shall require that exploration, development, and mining activities, as appropriate, be conducted on the leased premises with due regard for the health and safety of those involved, and (2) shall include appropriate measures for the control of radiation exposure in the mines.

(o) *Lessee's records.* Leases shall provide that the lessee keep and make available to the Commission such records as the Commission deems necessary for the administration of the lease and its leasing program.

(p) *Rights of the Commission.* The Commission reserves the right to enter upon the leased property and into all parts of the mine for inspection and other purposes. The Commission also reserves the right to grant to other persons easements or rights of way upon, through, or in the leased premises. The Commission and the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after termination or expiration of lease, have access to and the right to examine any directly pertinent books, papers, and records of the lessee involving transactions related to the lease.

(q) *Relinquishment of leases.* A lease may be surrendered by the lessee upon filing with and approval by the Commission of a written application for relinquishment. Approval of the application shall be contingent upon the delivery of the leased premises to the Commission in a condition determined to be satisfactory to the Commission. The lessee shall continue to be liable for the payment of all royalty and other debts due the Commission.

(r) *Assignment of leases.* Any transfer of a lease or any interest therein or claim thereunder, will not be recognized unless and until approved by the Commission in writing. Ordinarily, the Commission will not approve any transfer of a lease which involved overriding royalties or deferred payments of any kind to the transferor.

(s) *Cancellation.* Any lease may be cancelled by the Commission whenever the lessee fails to comply with the provisions of the lease. Failure of the Commission to exercise its right to cancel shall not be deemed a waiver thereof.

(t) *Form of lease.* Leases will be issued on forms prescribed by the Commission.

(u) *Noncompetitive leases.* Under special circumstances, where the Commission believes it to be in the best interest of the Government, the Commission at its discretion may award or extend leases on the basis of negotiation.

(v) *Commission decisions.* All matters connected with the issuance and administration of leases will be determined by the Commission whose decisions shall be final and conclusive.

(w) *Definitions.* "Commission" as used in this section means the United States Atomic Energy Commission or its duly authorized representative or representatives.

(x) *Multiple use of land.* Leases issued under this section shall provide that operations under them will be conducted so as not to interfere with the lawful operations of any third party having a lease, permit, easement, or other right or interest in the premises.

(y) *Compliance with State and Federal Regulations.* Every lease shall provide that the lessee is required to comply with all applicable State and Federal statutes and regulations.

(Atomic Energy Act of 1964, as amended, 68 Stat. 919, 42 U.S.C. 2011 et seq.)

Dated at Germantown, Md., this 3rd Day of August, 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-16494 Filed 8-8-73;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 185—EMERGENCY SCHOOL AID

Waivers of Ineligibility

Notice of proposed rulemaking was published in the FEDERAL REGISTER on July 16, 1973 at 38 FR 18899, setting forth revisions to the regulations of the Emergency School Aid Act concerning waivers of ineligibility based upon discrimination in faculty assignment (§ 185.44 (d)(3)); and the reservation of funds appropriated under the Act (§ 185.95(b)). Comments were received with respect to the proposed revision concerning waivers from four commenters.

SUMMARY OF COMMENTS

1. One commenter requested a broadening of the revision to permit a particular school district to be considered for funding. Under the circumstances of that case such a broadening is not appropriate at this time.

2. One commenter felt that the determination of assignments pursuant to § 185.44(d)(3)(ii) is not consistent with sound educational principles. It should be understood that the requirement that assignments made after the date of application for waiver not contribute to or reinforce racial or ethnic identifiability of any school are to be viewed in the context of alternative assignment opportunities. Where alternatives do exist, as between an assignment which will contribute to or reinforce identifiability and one which will not, the latter alternative must be chosen. Where alternatives do not exist the provisions of § 185.44(d)(3)(ii) do not apply.

3. Two commenters felt that section 706(d)(3) of the Act requires all racially identifiable faculty assignments to be eliminated before a waiver application can be approved. It should be understood that § 185.43(b)(2) permits a finding of ineligibility based upon "discrimination in assignment" (section 706(d)(1)(B) of the Act) where the assignment of full-time classroom teachers has been made in such a manner as to identify a school as intended for students of a particular race, color, or national origin, and that section 706(d)(3) requires that the practice, policy, procedure, or other activity which resulted in ineligibility must cease to exist before a waiver can be granted. The Act does not require that racially identifiable faculties be completely eliminated prior to granting a waiver. Section 185.44(d)(3)(i) and (ii) require that an applicant for waiver adopt a policy of nondiscriminatory assignments, and that no new assignments of staff be made which contribute to or reinforce identifiability of schools. These requirements satisfy the relevant provision of section 706(d)(3).

4. Two commenters felt that the provision of § 185.44(d)(3)(iv) permitting districts to obtain waivers of ineligibility, if they commit themselves to eliminate completely racially identifiable faculties no later than the commencement of the 1975–76 academic year, does not meet constitutional standards as expressed in court decisions. These comments misconceive the nature of the Secretary's determination pursuant to § 185.43(b)(2) that a local educational agency is ineligible by reason of discrimination in the assignment of faculty. Such determination does not necessarily involve a finding of constitutional violation. Accordingly, the remedial measures which the school district must take under the regulation to eliminate the present effect of the past assignment practices need not meet the requirements laid down by the courts in Fourteenth Amendment cases for correcting racially segregated faculty assignments made under a dual system of schools based on race.

5. One commenter felt that the revision did not comply with section 703(a) of the Act in that the revision would bear differently on school districts which had maintained an officially dual system of schools based on race than on other districts. Even if this were the case, in our view this would not be unequal treatment in a legal sense. In any event, as has been already pointed out, the "racial identifiability" of faculties referred to in the regulation is not based solely on racial discrimination in the constitutional sense and, therefore, the dichotomy of treatment posed by the commenter assumes too much.

6. Other comments do not require discussion as they raised no significant issue.

After consideration of the above comments the revisions to part 185 of title 45 of the Code of Federal Regulations as proposed are hereby adopted without change and are set forth below.

Effective date. This regulation shall be effective August 16, 1973.

Dated: August 9, 1973.

CHARLES B. SAUNDERS, Jr.,
Acting Assistant Secretary for Education.

Approved: August 9, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

§ 185.44 Waiver of ineligibility.

* * * * *

(d) Demotion or dismissal of minority group personnel:

* * * * *

(3) In the case of ineligibility resulting from discriminatory assignment of teachers as prohibited by § 185.43(b)(2), such applications for waiver shall contain evidence that such agency has adopted and implemented a nondiscriminatory assignment policy. In the case of a local educational agency implementing a plan described in § 185.11(a), such evidence shall indicate that such agency is complying with the requirements of such plan with respect to the assignment of faculty. In the case of local educational agencies not implementing such a plan, or implementing such a plan which contains no provision as to assignment of faculty, such evidence shall include at a minimum:

(i) Adoption by such agency of a policy of nondiscriminatory assignment of faculty and staff members;

(ii) Determination of all faculty and staff assignments made after the date of application for waiver in a manner which does not contribute to or reinforce the racial or ethnic identifiability of any school operated by such agency;

(iii) Adoption of a plan to eliminate all full-time teaching faculties composed exclusively of members of a single racial or ethnic group no later than the end of the period for which assistance is to be awarded; and

(iv) Adoption of a plan for assignment of faculty and staff members which will eliminate all racially or ethnically identifiable faculties at schools operated by

such agency within a reasonable period of time but in no event later than the commencement of the 1975–76 academic year. In the case of school districts in which the percentage of minority group members on the full-time teaching faculty is less than the percentage of minority group members in the student body, such plans shall include a plan of affirmative action to increase the percentage of minority group members on the full-time teaching faculty of such agency.

* * * * *

§ 185.95 Reservation of funds.

* * * * *

(b) The Assistant Secretary hereby reserves:

(1) An amount equal to 5 percent of the sums appropriated under the Act for any fiscal year for the purpose of special projects under Subpart J of this part;

* * * * *

(3) An amount equal to 3 percent of the sums so appropriated for the purposes of educational television projects under Subpart H of this part; and

* * * * *

[FR Doc.73–16788 Filed 8–9–73;12:26 pm]

Proposed Rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of a proposed $10,050 budget for the fiscal period ending June 30, 1974, and a one-tenth cent per hundredweight rate of assessment on first handlers for the State of Washington Potato Committee, established under Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR Part 946).

This marketing order program regulates the handling of Irish potatoes grown in Washington, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 19, 1973. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 946.226 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1974, by the State of Washington Potato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $10,050.

(b) The rate of assessment to be paid by each handler in accordance with the said marketing agreement and this part shall be one-tenth cent ($0.001) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during said fiscal period, except potatoes for canning, freezing, and "other processing" as defined in the act shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

Dated: August 6, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16575 Filed 8-9-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 317]

LABELING POLICY FOR CURED PRODUCTS

Proposed Changes in Interpretation

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service is considering amending Part 317 of the meat inspection regulations (9 CFR Part 317), pursuant to the authority in the Federal Meat Inspection Act, as amended (34 Stat. 1260, as amended; 21 U.S.C. 621).

Statement of Considerations. A number of meat processors have petitioned the Department requesting an exemption for certain classes of meat food products from the requirement that all curing ingredients be declared on the product label. The petitioners contend that products such as "Bean Soup with Bacon" or "Beans with Ham in Sauce" are not "Cured Meat Products" per se, and that cured meats such as "bacon" or "ham" are used only as part of the culinary function and always found in small quantities in such products. The petitioners also state that the cured meats used in their products are often purchased from several vendors, and in most cases each uses a different curing formula. They claim this will result in a difficult and costly labeling program if they are compelled to use a separate ingredients list to cover the formulations used by different vendors. Curing ingredients serve their functional purpose when the meat is being cured. A portion of the curing ingredients are degraded in the curing process, while a residual and nonfunctional quantity may remain in the finished cured meat product. When small quantities of cured meat are added to other meat food products (for condimental or culinary purposes), such as addition of bacon to bean soup, or ham to beans in sauce, there is no indication that any residual quantities of the curing ingredients remaining in the meat serve any functional purpose in the final or finished meat food product.

In view of the above points, the petitions and other comments received from the meat industry with respect to declaration of curing ingredient(s) used in cured meat products, the Department is publishing the proposed amendment set forth below to offer all interested parties an opportunity to comment thereon.

Section 317.17 of the meat inspection regulations (9 CFR 317.17) would be amended to read as follows:

§ 317.17 Interpretation and statement of labeling policy for cured products.

Under sections 1(n) (7), (9), and (12) of the Act and § 317.2 of this subchapter, labels of products fabricated from two or more ingredients must show the common or usual names of such ingredients in the manner provided for in § 317.2. This includes ingredients such as water, salt, sugar, sodium phosphate, sodium nitrate and sodium nitrite or other permitted substances in curing mixtures used in any ingredient of any product. However, specific formulations of meat food products will be exempted from the requirements of this section by the Administrator if he determines, upon application to him, that they contain curing substances only because they contain a small quantity of cured meat or other cured product, that was included in the formulations only for culinary or condimental purposes; such curing substances have no technical or functional effect in the meat food products; and the meat food products are not intended for use as dietary foods subject to § 312.2(j) of this subchapter or foods for children under 4 years of age.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by October 5, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Labels and Packaging Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health In-

spection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: July 3, 1973.

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

[FR Doc.73-16506 Filed 8-9-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73-163P]

LECHMERE CANAL, MASS.

Proposed Drawbridge Operation Regulations

At the request of the Massachusetts Department of Public Works, the Coast Guard is considering revising the regulations for the drawbridge at Commercial Avenue across the Lechmere Canal, Cambridge to require the draw to open on signal if at least 24 hours notice is given. The draw is presently required to open on signal. This change is being considered because of limited passage of vessels.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan-1), First Coast Guard District, 150 Causeway Street, Boston, Mass. 02114. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District, will forward any comments received before September 11, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communication received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.75(a)(5) and (h)(4) to read as follows:

§ 117.75 Boston Harbor, Mass. and adjacent waters, bridges.

(a) * * *

(5) Charles River and tributaries.

* * * * *

(h) *Charles River and tributaries.*

* * *

(4) Lechmere Canal Bridge, Commercial Avenue. The draw shall open on signal if at least 24 hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: August 1, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16519 Filed 8-9-73;8:45 am]

[33 CFR Part 117]

[CGD 73-166 P]

WESTCHESTER CREEK, N.Y.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering revising the regulations for the city of New York drawbridge across Westchester Creek at Bruckner Boulevard to require that the draw open on signal at all times, including morning and evening rush hour. The draw may presently remain closed to vessels from 7 to 9 a.m. and 4 to 6 p.m. Monday through Friday. This change is being considered because of the completion of the Cross Bronk Expressway which makes Bruckner Boulevard a secondary road.

Interested persons may participate in the proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before September 11, 1973, with his recommendations to the Chief, Office of Marine Environment Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising the heading of § 117.156 to read as follows:

§ 117.156 Bronx River, N.Y., City of New York bridge at Bruckner Avenue.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: August 3, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16516 Filed 8-9-73;8:45 am]

[33 CFR Part 117]

[CDG 73-164P]

BIG CARLOS PASS AND MATLACHA PASS, FLA.

Proposed Drawbridge Operation Regulations

At the request of the Florida Department of Transportation, the Coast Guard is considering amending the regulations for the State Road S-865 drawbridge across Big Carlos Pass and the State Road S-78 drawbridge across Matlacha Pass to require the draws of these bridges to open on signal from 8 a.m. to 7 p.m. They are presently required to open on signal from 7 a.m. to 7 p.m. This is being considered due to limited openings between 7 a.m. and 8 a.m. There was one opening of the Big Carlos Pass draw between 7 a.m. and 8 a.m. in 1972 and there were 6 openings of the Matlacha Pass draw during the same period.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, (oan), Seventh Coast Guard District, Room 1018 Federal Building, 51 SW 1st Avenue Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before September 11, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may

be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising subparagraph (2–a) and (2–b) of paragraph (i) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(2–a) Big Carlos Pass, Florida; State Road S–865 drawbridge. The draw shall open on signal from 8 a.m. to 7 p.m. The draw need not open from 7 p.m. to 8 a.m.

(2–b) Matlacha Pass, Florida; State Road S–78 drawbridge. The draw shall open on signal from 8 a.m. to 7 p.m. The draw need not open from 7 p.m. to 8 a.m.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: August 1, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73–16518 Filed 8–9–73;8:45 am]

[33 CFR Part 117]

[CGD 73–162P]

CHEESEQUAKE CREEK, N.J.

Proposed Drawbridge Operation Regulations

At the request of the New York and Long Branch Railroad Company the Coast Guard is considering amending the regulations for the railroad bridge across Cheesequake Creek to permit periods during the fall, winter, and spring when four hours notice would be required for the draw to open for the passage of vessels. The draw is presently required to open on signal. This is being considered because of limited navigation during the proposed closed periods.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, (oan), Third Coast Guard District, Governors Island, New York, New York 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before September 11, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.215 by adding a new subparagraph (5) to paragraph (j) to read as follows:

§ 117.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.

* * * * *

(j) * * *

(5) New York and Long Branch railroad bridge across Cheesequake Creek. The draw shall open on signal except at the following times the draw shall open on signal only if at least four hours notice is given:

(i) 2 p.m. to 6 a.m. from January 1 through March 31;

(ii) 10 p.m. to 6 a.m. from April 1 through May 31 and December 1 through December 31;

(iii) 10 p.m. to 5 a.m. from October 1 through November 30.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: August 1, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73–16520 Filed 8–9–73;8:45 am]

[33 CFR Part 117]

[CGD 73–165P]

BAYOU TECHE, NEW IBERIA, LA.

Proposed Drawbridge Operation Regulations

At the request of the Louisiana Department of Highways and the City of New Iberia, the Coast Guard is considering amending the regulations for the Lewis Avenue, Duperier Avenue and Jefferson Avenue drawbridges located across the Gulf Intracoastal Waterway in New Iberia to permit closed periods during the morning, noon and afternoon vehicular peak periods and also to require at least 12 hours notice for openings between 9 p.m. and 5 a.m. The first periods are being considered because of an increase in vehicular traffic and the second because of limited openings during that period.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, Louisiana, 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before September 11, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.540 immediately after § 117.535 to read as follows:

§ 117.540 GIWW, New Iberia, Louisiana; bridges.

(a) The draws of the Lewis Avenue, Duperior Avenue and Jefferson Avenue bridges shall open on signal except:

(1) from 7:30 to 8:30 a.m., 11:30 a.m. to 1 p.m. and 4:30 to 5:30 p.m., Monday through Friday, except legal holidays, the draws need not open for the passage of vessels; and

(2) from 9 p.m. to 5 a.m. the draws shall open on signal if at least 12 hours notice is given.

(b) the owners of or agencies controlling these bridges shall post on both the upstream and downstream sides of the bridges or elsewhere in the vicinity in such a manner that they may be readily read from an approaching vessel, directions for contacting the authorized representative to arrange for openings of the draws.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: August 1, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73–16517 Filed 8–9–73;8:45 am]

[33 CFR Part 117]

[CGD 73–161P]

ROOT RIVER, WISCONSIN

Proposed Drawbridge Operation Regulations

At the request of the City of Racine, the Coast Guard is considering amending the regulations for the Main Street bridge across the Root River located in Racine, Wisconsin. This amendment would modify present closed periods and would permit additional closed periods during peak vehicular traffic periods. The draw is presently closed to the passage of vessels from 6:30 to 7 a.m., 12 noon to 12:15 p.m. and 12:45 to 1 p.m., except Saturdays, Sundays and holidays. The proposed closed periods are from 7:30 to 8:10 a.m., 11:50 a.m. to 12:10 p.m., 12:50 to 1:10 p.m., 3:30 to 4:10 p.m. and 4:30

to 5:10 p.m., excluding Saturdays, Sundays and holidays. Reference to the 4th Street bridge will be deleted because this bridge has been removed. The regulations governing the operation of the State Street bridge would not be changed.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before September 11, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.660 to read as follows:

§ 117.660 Root River, Racine, Wisconsin, Main Street and State Street bridges.

(a) The draws of these bridges shall open on signal except that

(1) The draw of the Main Street bridge may remain closed to the passage of vessels Monday through Friday, except holidays, during the following periods:

7:30 a.m. to 8:10 a.m.
11:50 a.m. to 12:10 p.m.
12:50 p.m. to 1:10 p.m.
3:30 p.m. to 4:10 p.m.
4:30 p.m. to 5:10 p.m.

(2) The draw of the State Street bridge may remain closed to the passage of vessels, Monday through Friday, except holidays, during the following periods:

6:30 a.m. to 7 a.m.
12 noon to 12:15 p.m.
12:45 p.m. to 1 p.m.

(b) Signals

(1) Main Street bridge—The opening signal is one long blast followed by one short blast of a whistle, horn, siren, or by shouting.

(2) State Street bridge—The opening signal is three short blasts of a whistle, horn, siren, or by shouting.

(3) The acknowledging signal from the drawtender is the same as the opening signal when the draw will open promptly, or a white flag or ball by day and a white light by night, conspicuously displayed. When the draw cannot open promptly or is open and must close, four or more short blasts, or a red flag by day or a red light at night.

(c) The owners of or agencies controlling these bridges shall provide the necessary drawtenders and the proper mechanical appliances for the safe prompt and efficient opening of the draw.

(d) The draws shall open on signal at all times for vessels in distress and public vessels of the United States, state or local governments engaged in public safety or law enforcement activities.

(e) The owners of or agencies controlling these bridges shall post the provisions of this regulation on the upstream and downstream sides of the bridges or elsewhere in a manner that it can easily be read from an approaching vessel at all times.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: August 1, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16521 Filed 8-9-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19762]

FM BROADCAST STATIONS IN EAST MOLINE, ILL.

Proposed Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of Amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (East Moline, Illinois), Docket No. 19762, RM-1973.

1. On June 6, 1973, the Commission adopted a notice of proposed rulemaking in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on June 15, 1973, 38 FR 15739. The date for filing comments has expired and the date for filing reply comments is July 31, 1973.

2. On July 27, 1973, counsel for Upper Rock Island Holding Company, filed a request for an extension of time to and including August 10, 1973, to file reply comments. Counsel states that he will be absent from his office and therefore needs the additional time.

3. We are of the view that the requested extension of time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing reply comments is extended to and including August 10, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: July 31, 1973.

Released: August 1, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-16590 Filed 8-9-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 526]

[No. 73-1085]

FEDERAL HOME LOAN BANK SYSTEM

Proposed Amendments Relating to Savings Accounts

AUGUST 2, 1973.

The Federal Home Loan Bank Board, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, considers it advisable to amend Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) by revising § 526.6 thereof, captioned "Advertising of interest or dividends on savings accounts," and by adding paragraph (a) of new § 526.6-1, captioned "Disclosure before acceptance; notice before end of fixed or minimum term". The Board also considers it advisable to further amend said Part 526 by adding paragraph (b) of new § 526.6-1 and by adding a new § 526.7, captioned, "Penalty for early withdrawal."

Section 526.6 is amended by redesignating paragraphs (e), (f) and (g) thereof as paragraphs (f), (g) and (h) respectively, and by adding a new paragraph (e) thereto. Said new paragraph (e) requires that all advertisements by member institutions relating to interest or dividends paid on certificate accounts state that Federal law and regulation prohibit a member institution from permitting withdrawal of a certificate account before the end of its fixed or minimum term unless substantial interest is forfeited. This requirement applies to all forms of advertising, including advertisements on radio and television.

Paragraph (a) of new § 526.6-1 requires a member institution to provide a certificate account customer with a written statement which fully and clearly describes the early withdrawal penalties applicable to such an account before accepting the customer's deposit. Such statement must contain arithmetic examples.

Paragraph (b) of new § 526.6-1 requires a member institution to mail a notice to the holder of a certificate account of one year or more which such institution may renew after December 31, 1973 unless such holder presents the certificate evidencing such account for withdrawal within a specified period. Such notice must be mailed to an account holder between 20 and 60 days before the end of the fixed or minimum term of such account.

The information which an institution must provide to the holder of a given certificate account differs according to whether or not that institution intends to renew such account in the event that the funds are not withdrawn. Subparagraph (1) of paragraph (b) of new § 526.6-1 states that an institution which does not intend to renew such an account shall provide the account holder with the following information: (1) The date on

which the fixed or minimum term of such account ends; (2) a statement that the institution does not intend to renew such account; and (3) the rate of return which will be paid on such account after the end of such fixed or minimum term. Subparagraph (2) of said paragraph (b) states that an institution which does intend to renew such an account shall provide the account holder with the following information: (1) The date on which the fixed or minimum term of the existing certificate account ends and the date on which the fixed or minimum term of such account will end if renewed; (2) the rate of return which is being paid on the existing certificate account and the rate of return which will be paid on such account if renewed; if the latter is less than the rate of return which the institution is presently offering for certificate accounts with the same fixed or minimum term, the rate of return presently being offered must also be stated; (3) any other changes in the terms of the certificate account if renewed, including any change in the penalty provisions; and (4) the period within which the existing certificate account must be presented for withdrawal in order to avoid loss of interest or dividends.

A certificate account which is not renewed at the end of its fixed or minimum term earns less following the end of such term. Notification of the holder of a given certificate account that such account will not be renewed at the end of its fixed or minimum term will enable such holder to reinvest his funds immediately following the end of such term if he so desires.

There are two reasons for requiring a member institution to notify the holder of a certificate account, before the end of the fixed or minimum term of such account, if such institution intends to renew the account unless the funds are withdrawn. First, the Board's recent amendments to §§ 563.3–1 and 563.3–2 and the addition of new § 526.7, proposed herein, make the penalties for early withdrawal from such accounts more severe. In order to avoid incurring these new penalties, it is important that an account holder receive notice of the impending end of the fixed or minimum term of his account. Second, it has come to the Board's attention that some member institutions commonly renew certificate accounts at their original rate even though the institution involved may be accepting new certificate accounts of the same type at a higher rate. The Board believes that supplying account holders with the information required by paragraph (b) of new § 526.6–1 will serve to prevent any abuses in this area.

New § 526.7 would impose the early withdrawal penalties applicable to insured institutions on non-insured member institutions.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 526 by redesignating paragraphs (e), (f) and (g) of § 526.6 thereof as paragraphs (f), (g) and (h) respectively, and by adding a new paragraph (e) thereto, and by adding new §§ 526.6–1 and 526.7 thereto, to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW, Washington, D.C., 20552, by September 10, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 526.6 Advertising of interest or dividends on savings accounts.

* * * * *

(e) *Penalty for early withdrawals.* Any advertisement, announcement, or solicitation relating to interest or dividends paid by a member institution on certificate accounts shall include clear and conspicuous notice that Federal law and regulation prohibit the member institution from permitting withdrawal of a certificate account before the end of its fixed or minimum term or qualifying period unless substantial interest or dividends are forfeited.

* * * * *

§ 526.6–1 Disclosure before acceptance; notice before end of fixed or minimum term.

(a) *Disclosure before acceptance.* Before a member institution accepts a certificate account deposit, such institution shall provide to the depositor a written statement of the applicable penalty provisions for a withdrawal from such account before the end of the fixed or minimum term or qualifying period for such account. Such written statement shall describe fully and clearly—including arithmetic examples—how such penalty provisions would apply to such a withdrawal from such certificate account.

(b) *Notice before end of fixed or minimum term.* (1) If a member institution does not intend to renew, after December 31, 1973, a certificate account of one year or more which such institution may renew unless the holder thereof presents the certificate evidencing such account for withdrawal within a specified period, such institution shall mail a notice to the holder of such account not less than 20 days and not more than 60 days before the end of the fixed or minimum term of such account. Such notice shall contain the following information:

(i) The date on which such fixed or minimum term ends;

(ii) A statement that the institution does not intend to renew such account; and

(iii) The rate of return which will be paid on such account after the end of such fixed or minimum term.

(2) If a member institution intends to renew, after December 31, 1973, a certificate account of one year or more which such institution may renew unless the holder thereof presents the certificate evidencing such account for withdrawal within a specified period, such institution shall mail a notice to the holder of such account not less than 20 days and not more than 60 days before the end of the fixed or minimum term of such account. Such notice shall contain the following information:

(i) The date on which the fixed or minimum term of the existing certificate account ends and the date on which the fixed or minimum term of such account will end if renewed;

(ii) The rate of return which is being paid on the existing certificate account and the rate of return which will be paid on the account if renewed; if the latter is less than the rate of return presently being offered for certificate accounts with the same fixed or minimum term, the rate of return presently being offered shall also be stated;

(iii) Any other changes in the terms of the certificate account if renewed, including any change in the penalty provisions; and

(iv) The period within which the existing certificate account must be presented for withdrawal in order to avoid loss of interest or dividends.

§ 526.7 Penalty for early withdrawal.

With respect to each certificate account issued on or after _____ [effective date of this amendment], each member institution which is not an insured institution (as defined in § 561.1 of this chapter) shall impose the following conditions on withdrawal from such an account before the expiration of its fixed or minimum term or qualifying period: (a) The account holder shall receive interest or dividends from the date of issuance of such account on the amount withdrawn at a rate not in excess of the rate then being paid on regular accounts; and (b) the account holder shall also pay a penalty in an amount not less than the lesser of (i) the interest or dividends at such rate for 90 days (3 months) on the amount withdrawn or (ii) all interest or dividends at such rate (since issuance or renewal of the certificate account) on the amount withdrawn.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Public Law 91–151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON, *Secretary.*

[FR Doc.73–16511 Filed 8–9–73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 3, 9]

[Docket No. R–417]

DISPOSAL OF INTERESTS IN PROJECT LANDS, AND APPLICATIONS FOR CERTAIN USES OF PROJECT PROPERTY REQUIRING COMMISSION APPROVAL

Renotice of Proposed Rulemaking and Request for Comments

AUGUST 3, 1973.

On April 7, 1971, the Commission published a notice of proposed rulemaking in Docket No. R–417 (Disposal of Inter-

ests in Lands Within Licensed Projects) for the purpose of amending its rules with respect to certain lands within project boundaries.

At the present time, the Secretary of the Commission has broad authority to approve conveyances of interests in project lands.[1] Because of the increased awareness of and emphasis on environmental factors, the policies expressed by the Commission in Order Nos. 313 and 414;[2] and an increased number of applications for land transfers, the Commission determined that the authority to approve transfers which was delegated to the Secretary should be re-defined, clarified, and restricted so that appropriate consideration could more easily be given the factors involved.

It was proposed to limit § 3.5 by requiring any instrument of conveyance to provide that the use of such lands would not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use, in accordance with the policy expressed in Commission Order No. 313. It was further proposed to require a showing in each application that the transfer would be in accordance with existing comprehensive land use plans adopted by local and regional agencies.[3]

The notice clearly stated that the already-existing Staff review of land transfer applications would remain the same. It was also pointed out that the Secretary would not be permitted to grant transfers in special cases, e.g., transfers involving environmental considerations. In appropriate cases the procedures mandated by the National Environmental Policy Act (NEPA) would be followed.

As a result of publication of the Notice a total of nine comments were received: Congressman John D. Dingell, Chairman, Subcommittee on Fisheries and Wildlife Conservation; National Wildlife Federation; the Wilderness Society; Western Rockhounds Association, Inc.; Idaho Fish and Game Department; New England Power Company; Virginia Electric and Power Company; Pacific Gas and Electric Company; and Consumers Power Company.

Three main issues were raised by these comments: (1) Such broad authority should not be delegated to the Secretary; (2) because delegation to the Secretary would preclude full Commission scrutiny, the proposal would not allow certain interests to be adequately protected; and (3) the rulemaking should be subject to the procedural requirements of section 102(2)(C) of NEPA.

With respect to the first comment, it was clear on the face of the Notice that the proposal was not intended to delegate a new power to the Secretary, but was to restrict an already-existing power.

In regard to the second contention that a transfer approved by the Secretary would be likely to ignore some critical interests, we point out that the Notice was clear in its intention to reserve for Commission approval any transfer which involved special considerations. Furthermore, the contention that absent full Commission scrutiny such special considerations would not be apparent is without merit because the Notice stated that whether the Commission or the Secretary approved the transfer, the Staff review of each application for transfer would be conducted as it has been in the past.

Turning to the third contention, it was correctly pointed out that the disposal of some interests in land may have an impact on the environment. However, the act of promulgating regulations merely establishes a procedural mechanism to handle individual applications, any one of which may or may not have an impact on the environment. Therefore, the time to carry out the detailed balancing analysis mandated by NEPA is at the time an individual application comes before the Commission. Only then are precise environmental impacts and alternatives to the proposed action susceptible to quantification. On the basis of this reasoning, the Commission determined that an environmental impact statement to accompany the rulemaking was neither necessary nor proper.

In addition to the foregoing, several comments also expressed a desire for more clarification and stronger guidelines for the submission of applications for the disposal of interests in lands within project boundaries.[4] As a result of these comments, further study by Staff, an increased number of applications for transfer of interests in project lands, the importance of adequate public recreational facilities, and the importance of the substantive and procedural provisions of NEPA, the Commission has decided that the present rules and regulations governing the disposal of interests in lands within licensed projects can be improved to provide more adequate information to the public and better guidelines to licensees for preparation of applications. The Commission feels that the original proposals in this docket were too narrow in scope. Accordingly, the Commission has determined that it is in the public interest to amend the proposals in this docket to provide the needed guidance in these matters.

In order to protect environmental values, to ensure greater public participation in the decision-making process, to provide greater public information, and to insure the public safety at licensed projects, the Commission proposes to adopt new regulations which will provide needed information and guidance in the following areas: (1) Transfer of interests in project property owned in fee by the licensee and certain uses of project property which will require Commission approval, together with the information to be contained in applications for such transfer or use; (2) covenants and provisions to be included in instruments of conveyance; (3) provisions for review of environmental factors in the transfer or use; and (4) procedures which the Commission Staff will use in processing applications.

Therefore, the Commission proposes the following modifications to its rules of practice and procedure and its regulations under the Federal Power Act:

PART 2—GENERAL POLICY AND INTERPRETATIONS

(1) *Promulgation of a new § 2.14 of the Commission's rules of practice and procedure.* The greater number of licenses issued by the Commission specify only that the conveyance of an interest in project lands must be approved by the Commission. Consequently, there have been instances in which licensees have undertaken or permitted the undertaking of certain potentially harmful uses of project lands and waters without Commission approval, such as non-project construction on project property by licensee (e.g., non-project transmission lines); joint use of project land by licensee and another party (e.g., two different transmission lines sharing or partially sharing, the same rights-of-way); non-project withdrawal of water from project reservoirs; and construction of transmission lines, roads, communication cables, pipelines, or other non-project facilities over or under project lands or waters. There have also been instances in which licensees have transferred in-

[1] Section 3.5 authorizes the Secretary to: (16) Approve, with respect to particular parcels of lands within the project area of a licensed waterpower project, the conveyance by the licensee to another legal entity of an interest therein for use for a non-project purpose, subject to the right of the licensee, its successors and assigns to use the land for all project purposes contemplated by the license for the project.

[2] Order No. 313; Recreational Development at Licensed Projects, Statement of General Policy, issued December 27, 1965 (30 FR 16197), 34 F.P.C. 15463.

Order No. 414; Amending Regulations under the Federal Power Act for the Protection and Enhancement of Aesthetic and Related Values in the Design, Location, etc., of Project Works, issued November 27, 1970 (35 FR 18585), 44 F.P.C. 1491.

[3] As proposed, § 3.5 would have authorized the Secretary to:

(16) Approve, with respect to particular parcels of land within the project area of a licensed water-power project, the conveyance by the licensee to another legal entity of an interest therein for use for a nonproject purpose, subject to the right of the licensee, its successors and assigns to use the land for all project purposes, provided that the application contains a statement that the proposed use is not inconsistent with any officially recognized local or regional land use plan and, except in cases of conveyances to States or municipalities for their own use, the instrument of conveyance contains a covenant providing that the use of such lands will not endanger health, create a nuisance or otherwise be incompatible with overall project recreational use, in accordance, with the requirements of paragraph (C) of the Commission's Order No. 313, issued December 27, 1965 (34 FPC 1546, 1549–50).

[4] Comments of National Wildlife Federation, New England Power Company, and Virginia Electric and Power Company.

terests in project lands both without Commission approval and contingent on Commission approval.

It is further noted that the substantive and procedural requirements of NEPA are of paramount importance. When information in an application (see the proposed § 9.21(h), infra) indicates that the action to be authorized by the Commission will initiate a use of project lands or waters which will have a significant impact on the human environment, applications will be treated in accordance with Commission regulations which govern compliance with NEPA.[7]

Therefore, the Commission proposes a new § 2.14, to clearly indicate that certain uses of project property require Commission authorization, and to set forth the requirements for Commission approval which must be satisfied prior to the implementation of such uses:

§ 2.14 Certain uses of project property requiring commission approval.

(a) Any licensee desiring to take any action which will:

(1) Convey to another legal entity any interest in a parcel of land within a project boundary; (2) withdraw, or permit another legal entity to withdraw, any project waters for any non-project purposes; (3) construct, or grant approval to another legal entity to construct transmission lines, roads, communication cables, pipelines, or any non-project facilities over or under project lands (assuming such are owned in fee by the licensee) or waters;[8] (4) result in the construction by the licensee of non-project facilities within the project boundaries; shall timely file with the Commission an application pursuant to Part 9 of the Commission's regulations under the Federal Power Act, which filing must be approved by the Commission prior to such action. This section shall not apply to public access facilities, leases, or permits specifically authorized by Commission approval of an Exhibit R or recreational use plan, or an Exhibit S or fish and wildlife conservation plan.

(b) When it appears, based on the information contained in the application (including but not limited to information specified by § 9.21(h) of this chapter, and review by Staff, that Commission approval of Applicant's action will initiate a use of project property which may constitute a significant effect on the human environment, the application will be treated in accordance with the procedures specified by §§ 2.80 and 2.81.

(2) *Promulgation of a new § 2.15 of the Commission's rules of practice and procedure.* This section sets forth restrictive covenants to be included in any instrument conveying interest in project property, unless specifically exempted by the Commission. Any licensee desiring such exemption shall set forth in detail in its application any reasons for exclusion.

Docket No. R–417 proposed a covenant which contained an exemption applicable to conveyances to States and municipalities for their own use.[9] However, the Commission feels that the burden of the standard covenants which are herein proposed should fall equally on all transferees in order to more adequately protect the public interest. Therefore, the exception to the covenant proposed in Docket No. R–417 is not included. The proposed § 2.15 includes as one covenant the restrictions in Paragraph (C) of Order No. 313.[10] Order No. 313 was a statement of General Policy and this restriction is not presently included in our regulations. The policy expressed is of such importance that the Commission feels it should be included as a part of the regulations, and it hereby proposes to do so.

Finally, the Commission retains the right to impose such additional covenants in specific cases as in its judgment may be necessary and proper to protect the public interest.

Accordingly, the Commission proposes a new § 2.15 to read:

§ 2.15 Required covenants in instruments of conveyance of interests in project property.

(a) Unless the land to be conveyed is shown to be no longer necessary for project purposes, the Commission will approve the conveyance of any interest in project property pursuant to § 2.14 only if the conveyance shall covenant:

(1) The right to use the coveyed land shall be reserved to the licensee, its successors, and assigns for project purposes only.

(2) That the use of the land conveyed will not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use;

(3) That where construction is contemplated as a result of the conveyance, the party to undertake such construction shall take all necessary precautions during construction and subsequent operation and maintenance to protect and enhance the environmental values of any affected project lands and waters. Such precautions shall include but not be limited to the provisions set forth in Commission Order Nos. 414[11] and 407[12]; and

(4) The conveyance and use of the property shall be in compliance with all applicable laws and regulations.

(b) In the event an Applicant wishes to have exempted from the instrument of conveyance one or more of the covenants listed above, the application shall fully support the reason for such exemption, which will be granted only for good cause shown.

(c) The Commission reserves the right to require such additional covenants in the instrument of conveyances as it shall judge necessary and proper to protect the public interest.

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

§ 3.5 [Amended]

(3) Section 3.5: *Delegations of final authority.* Delete § 3.5(a)(16) of Part 3 and re-number § 3.5(a)(17–26) as § 3.5(a)(16–25).

This will revoke the authority presently delegated to the Secretary to authorize transfers of interests in lands.

PART 9—TRANSFER OF LICENSE OR LEASE OF PROJECT PROPERTY REQUIRING COMMISSION APPROVAL

(4) *Amendment of Part 9 of the regulations by changing its title and adding new §§ 9.20 and 9.21.* These subsections will specify both the procedure for filing an application for approval of non-project use of project property and the contents of such an application to include the information necessary for Staff review. Each application and its environmental report should furnish information on all present and projected future development of the project reservoir and its contiguous lands and the capacity of the project lands and waters and their biota to serve foreseeable future public uses which may be imposed upon them. Such information should be furnished even if approval of the application, by itself, would not significantly affect the quality of the human environment, but where the cumulative effects of approval of a number of similar applications could constitute a major Federal action.

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[7] Order No. 415–C, promulgated December 18, 1972. (18 CFR 2.80, 2.81, 2.82).

[8] Where construction will result in any discharge into project waters appropriate permits and certification should be obtained and furnished to the Commission for its information.

[9] See Note 3, supra.

[10] 313(C) reads:

(C) The Commission will not grant any authorization for a licensee to dispose of any interest in project lands, unless a showing is made that such disposal is not inconsistent with any approved recreational plan or in the absence of such a plan, that the lands do not have recreational value. Pending a determination by the Commission that such lands are not needed for public recreational purposes (all project lands, buildings, or other property will be considered to be required to achieve the purposes of the license within the meaning of any article in the license relating to the leasing of such lands, buildings, or other property. The licensee, in the absence of specific Commission exemption from these requirements, shall include in the instrument of conveyance a covenant running with the land adequate to insure that, unless the Commission subsequently authorizes a different use as consistent with a comprehensive plan for improving or developing the waterway, the use of lands conveyed will not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use.

[11] See Note 2, supra.

[12] Order No. 407, Statement of Policy Amending Regulations under the Natural Gas Act Re: Rights-of-way Routes, of Natural Gas Companies, July 10, 1970 (35 FR 11377). 44 FPC 47.

APPLICATION FOR CERTAIN USES OF PROJECT PROPERTY REQUIRING COMMISSION APPROVAL

§ 9.20 Filing.

Any licensee desiring to (a) make certain uses of project lands, or (b) convey any interest in project lands, shall timely file an application for Commission approval thereof pursuant to §§ 2.14 and 2.15 of this chapter.

§ 9.21 Contents of application.

An application shall contain, but not be limited to, the following information:

(a) Present and proposed use of the project property, and the party or parties to whom the rights are to be conveyed.

(b) The location of any land involved and the size thereof marked on prints of appropriate sheets of Exhibit K.

(c) (1) Copies of all correspondence with Federal, State, regional, and local agencies concerning the proposed use; (2) an explanation of any permits or other approvals which must be obtained from any agency for the proposed use, including copies of any permits or other approvals which may have been issued; and (3) the time and nature of any public notices which may have been issued by any agency and response thereto, including any hearing which may have been held.

(d) Technical descriptions and drawings of any construction, excavation, clearing of land, etc., and proposed operation thereof.

(e) A showing in accordance with § 2.13(c)(2) of this chapter.

(f) Any proposed change in project operation and any compensation to be paid to licensee because of such change in project operation.

(g) A showing, pursuant to Commission order No. 313 that the proposed use is not inconsistent with any approved recreational plan or, in the absence of such a plan, that the property does not have recreational value.

(h) A detailed report of the environmental factors specified in § 2.80 of this chapter (Order No. 415–C issued December 18, 1972), if construction, or operating change of a project, is proposed.

(i) A statement that this application would not modify previously filed Exhibits (filed pursuant to Part 4) or that revised Exhibits will be filed.

(j) A copy of any proposed instrument of conveyance (See § 2.15 of this chapter).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before September 17, 1973, views, comments or suggestions in writing concerning all parts of the proposals above. An original and fourteen (14) conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposals should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed amandments. The Commission will consider all such written submittals before acting on the proposed amendments.

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

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16572 Filed 8-9-73;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.

FEDERAL POWER COMMISSION

[Docket No. E-8255]

ALABAMA POWER CO.

Order Accepting for Filing and Denying Motion To Reject or Suspend Service Agreement

AUGUST 1, 1973.

On November 1, 1971, Alabama Power Co. (Alabama) tendered for filing under section 205(d) of the Federal Power Act a new tariff schedule applicable to all electric service provided by Alabama to municipal distribution systems and rural distribution cooperations. By order issued December 30, 1971, in Docket No. E-7674, the Commission ordered an investigation of the proposed increase and suspended application of the increased rates until February 2, 1972. The rate increase filing was in the form of an electric tariff which Alabama intended to replace its then current rate schedules, which incorporated individual contracts for each delivery point, as of the termination of the current contract in each case. By Commission orders issued December 30, 1971 and February 11, 1972, Alabama was authorized to effectuate its rate schedule after the expiration of the suspension period, subject to refund, upon the termination of individual contracts. This action was affirmed by Court of Appeals decision in Municipal Electric Utility Association of Alabama v. FPC F.2d, Civil Action No. 72-1294 (D.C. Cir. 1973).

By letter dated May 31, 1973, Alabama submitted for filing under its tariff an unsigned service agreement with the City of Alexander City, Alabama (Alexander) for service to three delivery points and a revised sheet to the Index of Purchasers section of its tariff. Alabama's proposed filing was noticed in the FEDERAL REGISTER on June 29, 1973, fixing July 12, 1973, as date for filing protests or petition to intervene. The Protest and Comments of Alexander were filed on June 22, 1973. On July 10, 1973, Alexander and the Municipal Electric Utility Association of Alabama (Municipal) filed a petition to intervene. Alabama filed a response to the Protest and Comments of Alexander on July 9, 1973, and Alexander filed a reply to this response on July 10, 1973. In its Protest and Comments Alexander requested that the Alabama filing be rejected or, in the alternative, that the increase in rates be suspended for five months and a hearing be ordered into its lawfulness.

We believe that the Alabama filing dated May 31, 1973, complied with Commission orders of December 30, 1971 and February 11, 1972, in Docket No. E-7674 which were affirmed by the Court of Appeals decision as indicated above.

Alexander alternatively requests for a five month suspension of the filing.

Alexander contends that Alabama has not submitted the documents specified in § 35.12(b) of the Commission's regulations under the Federal Power Act and that the tender is therefore jurisdictionally deficient and should be rejected for that reason. But the Court of Appeals decision stated (at mimeo. p. 15):

> The details of procedural mechanics are best left to the Commission in the first instance. In broad outline, however, it appears that FPC review of the Alabama Power filing will proceed as follows: the section 205(e) proceedings that began in early 1972 will include all of Alabama Power's wholesale municipal customers. As to those among the Petitioners whose contract have already expired, whatever finding the Commission makes as to the lawfulness of the tariff will, of course, be immediately binding. As to those whose contracts remain in effect, such determination will be prospective in nature, and the contract rates and service condition will remain in effect. When each of these latter contracts experies (sic) Alabama Power will file with the Commission the documentation necessary to bring the affected customer within the terms of the general tariff. At this time, if the Commission has reason to believe that the assumptions underlying its earlier determination are not operative—possibly due to a change in conditions, or more likely a projection of conditions that did not materialize—the Commission may order the section 205(e) proceedings to be reopened; require from Alabama Power whatever additional data is necessary to demonstrate the continuing validity of the tariff rate; if necessary suspend extension and take whatever further steps may be necessary to assure that the rates and conditions of service remain lawful.

In our original suspension we found that the rates then in effect were deficient. Alexander has not advanced any proposition that conditions have changed or that projected occurrences did not materialize to render our prior decision no longer valid. Moreover, the original section 205 proceeding is still pending before us. Under these circumstances, we conclude, that Alabama need file no new economic data to support its filing. Similarly, we find no merit in Alexander's request for a five month suspension and for a separate hearing on the May 31, 1973, filing. That filing complied with the Court of Appeals directive (mimeo. p. 15) to Alabama to make when each contract expired, the necessary filings to bring the affected party within the terms of the general tariff. We note, with respect to the request for hearing, that Alexander was a party in the hearing in Docket No. E-7674 and has filed exception to the Initial Decision therein, concerning the justness and reasonableness of the rates contained in the May 31 filing in this docket.

The Commission finds. The filing of Alabama dated May 31, 1973, complies with Commission orders of December 30, 1971 and February 11, 1972, and the decision of the D.C. Circuit Court of Appeals affirming those orders and we therefore deny Alexander's request that the filing be rejected or suspended.

The Commission orders. (A) The Service Agreement tendered by Alabama is accepted for filing, to become effective on July 31, 1973, as requested subject to refund pending decision in Docket No. E-7674.

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

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16569 Filed 8-9-73;8:45 am]

[Docket No. RP73-112]

ALGONQUIN GAS TRANSMISSION CO.

Order Accepting and Suspending Proposed Tariff Sheets, Providing for Hearing and Granting Intervention

AUGUST 1, 1973.

On June 15, 1973, Algonquin Gas Transmission Company (Algonquin) tendered for filing proposed changes in FPC Gas Tariff as follows:

Original Volume No. 1
Third Revised Sheet No. 3-A
Original Volume No. 2
Twenty-Seventh Revised Sheet No. 57

Algonquin proposed to increase the rates, effective August 1, 1973, presently applicable to natural gas service rendered to its customers under its Rate Schedules F-1, WS-1, I-1, E-1, X-5 and T-1. The proposed changes amount to an increase in revenues of approximately $7.8 million annually, or an annual percentage increase of 7.58 percent. Furthermore, Algonquin proposed to increase its basic rate of depreciation from 3 percent to 5 percent. The proposed increase in revenues is based on a test year ended March 31, 1973, as adjusted.

Algonquin states that two major cost of service factors necessitate the proposed changes. Firstly, an increase in depreciation from 3 percent to 5 percent is needed since the 3 percent rate has been basically utilized since Algonquin commenced operations approximately twenty years ago. Secondly, Algonquin

states that an increase in rate of return from 8.125 percent to 9 percent is needed to reflect the current capitalization and debt cost of Algonquin.

The filing was noticed on June 22, 1973, with letters of protest and petitions to intervene due on or before July 9, 1973. The following parties filed timely petitions to intervene or notices of intervention: Central Hudson Gas and Electric Corporation; New Jersey Natural Gas Company; Consolidated Edison Company of New York, Inc.; Rhode Island Consumer's Council and Providence Gas Company.

Our review of the filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed changes in rate and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore order a suspension of the rates proposed herein for the full statutory period.

The Commission finds.

(1) The proposed increased rates and charges have not been shown to be justified and may be unjustified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

(2) It is necessary and proper in the public interest and to the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges in Algonquin's FPC Gas Tariff as proposed to be amended in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) Participation of the above-named petitioners for intervention in this proceeding may be in the public interest.

The Commission orders.

(A) Algonquin's tariff sheets as filed on June 15, 1973, are accepted for filing as hereinafter ordered.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing with a prehearing conference on December 18, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classification and service contained in Algonquin's FPC Gas Tariff, is proposed to be amended.

(C) At the prehearing conference on December 18, 1973, Algonquin's prepared testimony (Statement P) together with its entire rate filing shall be offered for admission to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceedings.

(D) On or before November 2, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before November 16, 1973. Any rebuttal evidence by Algonquin shall be served on or before November 30, 1973. Cross-examination of the evidence filed will commence December 19, 1973.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Pending such hearing and decision thereon Algonquin's proposed revised tariff sheets are hereby suspended and the use thereof is deferred until January 1, 1974, and until such time as they are made effective in the manner provided in the Natural Gas Act.

(G) The above-named intervenors are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveniors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene; and *Provided, further,* That the admission of such interveniors shall not be construed as recognitions that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

(H) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16547 Filed 8-9-73;8:45 am]

[Docket No. CI74-48]

ANADARKO PRODUCTION CO.

Notice of Application

AUGUST 2, 1973.

Take notice that on July 23, 1973, Anadarko Production Co. (Applicant), P.O. Box 9317, Fort Worth, Texas 76107, filed in Docket No. CI74-48 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from the No. 1 Kinzey "A" Well, Stevens County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 1,000 Mcf per day for one year at 45.0 cents per Mcf at 14.65 psia, subject to Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16551 Filed 8-9-73;8:45 am]

[Project No. 271]

ARKANSAS POWER & LIGHT CO.

Notice of Application for Change in Land Rights

AUGUST 2, 1973.

Public notice is hereby given that application was filed October 30, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the Arkansas Power & Light Co. (Correspondence to: Mr. W. M. Murphey, Vice-President, Arkansas Power & Light Co., 9th & Louisiana Street, Little Rock, Arkansas 72203) for change in land rights for Project No. 271, known as the Carpenter and Remmel Project,

located on the Ouachita River in Hot Springs and Garland Counties, near the Towns and Cities of Malvern and Hot Springs, Arkansas.

The applicant proposes to convey in fee to the city of Hot Springs 100 acres of Electric Island (the remaining 18 acres would be reserved by the Company for its own use) and 16.2 acres of Little Goat Island. This property is located off shore of Point Lookout one and one half miles west of Carpenter Dam in Lake Hamilton.

The city of Hot Springs subsequently proposes to lease both islands to Mr. Jess P. Odom (lessee), for a term of 50 years, for the development of a recreation-amusement park area.

The proposed lease would guarantee an expenditure of a minimum of $1.5 million within a period of three to five years to develop the two islands. If the lessee would not spend the $1.5 million within this specified period, the investment made to that time would revert to the City by default.

Execution of the lease would be subject to the following conditions:

(1) The term of the lease would be for 50 years for both islands.

(2) Arkansas Power and Light Co. would supply both islands with adequate electricity.

(3) The City would construct a two lane blacktop road, or improve existing roads to the water's edge of the mainland from State Route 290, through the Arkansas Game and Fish Commission Fish Hatchery, total length of the road being one mile. The City would also build a causeway 12 to 14 feet high, wide enough to accommodate a two lane blacktop road, starting from both the island and the mainland, and meeting 25 feet apart at the middle of the channel. Lessee would construct a bridge to join the two causeway sections.

(4) Lessee would supply and construct adequate water and sewage service on each island.

The proposed development would consist of:

A. An electric monorail system on both islands. Access to Little Goat Island would be by monorail and boat only.

B. Twenty-five acres of recreational and amusement facilities comprising theaters, exhibitions, museums, gardens, zoos, swimming facilities, golf courses, amusements, and fishing and boating facilities.

C. Fifteen acres for boat docks, marinas, aquarena, and public picnic facilities, including tables, benches, cooking grills, and waste depositories.

D. Fifteen acres for trailer and camper areas including water, electrical, sewer, parking, and public boat dock or launch ramp facilities.

E. Twenty acres for public parking areas.

F. Thirty-five acres for homes and shopping areas, including rental lakeside homes and a 150 room "Boatel" and restaurant.

G. Eight acres for other facilities, to include: public sand beaches; rest areas with seating and drinking fountains; restroom facilities; first aid station; outdoor interdenominational church; and a bandstand.

Any person desiring to be heard or to make protest with reference to said application should on or before September 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16558 Filed 8-9-73;8:45 am]

[Docket No. E-8335]

BUFFALO RAPIDS IRRIGATION PROJECT ET AL.

Notice of Filing of Complaint

AUGUST 2, 1973.

In the matter of: Buffalo Rapids Irrigation Project, Custer Rod & Gun Club, Tongue-Yellowstone Beet Growers, Trout, Unlimited Complainants v. Montana Power Co., Puget Sound Power & Light Co., Portland General Electric Co. Washington Water Power Co., Pacific Power & Light Co. Complainees.

Public notice is hereby given pursuant to § 2.1 of Part 2, Statements of general policy and interpretations, subchapter A, Chapter I of Title 18 of the Code of Federal Regulations, that a complaint was filed on July 11, 1973, by James H. Goetz alleging that the proposed fossil fuel generating facilities known as the Colstrip plants which are owned and operated by Montana Power Co., Puget Sound Power & Light Co., Portland General Electric Co., Washington Water Power Co., and Pacific Power & Light Co. and which are located on the Yellowstone River near Colstrip, Montana, are required to be licensed by the Federal Power Commission.

Complainants state that the water withdrawals which result from the project will affect navigability since the pumping structures will cause the water level of the Yellowstone River to be lowered. Complainants also state that the Colstrip generating facilities will use surplus water impounded by "government dams."

Complainants state that the construction, operation, and maintenance of the Colstrip Plants are not best adapted to a comprehensive plan for improving or developing the Yellowstone River, and are not best adapted for other beneficial public uses.

Complainants ask that the complainees be ordered to show cause why they should not be required to apply for licenses, and that complainees be ordered to show cause why they should not be required to suspend all development, planning and construction of the plants in question, pending the outcome of these proceedings.

Any person desiring to be heard or to make protest with reference to said complaint should on or before September 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The complaint is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16571 Filed 8-9-73;8:45 am]

[Docket No. CI74-57]

C. CRADY DAVIS, ET AL.

Notice of Application

AUGUST 2, 1973.

Take notice that on July 26, 1973, C. Crady Davis, *et al.* (Applicants), 6780 E. Hampden Avenue, Denver, Colorado 80222, filed in Docket No. CI74-57 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to Southern Union Gathering Company (Southern) from the Blanco-Mesa Field, San Juan County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants were authorized by the order in Docket No. G-13105, as amended, to sell gas pursuant to a contract dated April 15, 1952, at 15.0636 cents per Mcf at 15.025 psia. Applicants state that they terminated the contract on April 30, 1973, upon Southern's refusal to enter into a new contract with higher rates equivalent to those approved by the Commission in Order No. 658. Deliveries are continuing pursuant to the old contract and Applicants' existing FPC Gas Rate Schedule No. 1.

Applicants propose to abandon the sale of natural gas to Southern, it is stated, in order to negotiate with another interstate pipeline purchaser for the sale of the gas formerly dedicated to Southern. Applicants further state that they are concurrently filing a unilateral rate increase pending any order in this proceeding.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but it will not serve to make the protestants parties to the pro-

ceeding. 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 permission and approval for the proposed abandonment are 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 Applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16550 Filed 8-9-73;8:45 am]

[Docket Nos. E-7631 and E-7633; E-7713]

CITY OF CLEVELAND, OHIO, ET AL.

Order To Show Cause

AUGUST 2, 1973.

This matter comes before the Commission on the Motion of Cleveland Electric Illuminating Co. (CEI), requesting enforcement of Commission Opinion and Order No. 644, January 11, 1973, under the terms of which CEI was required to provide the City of Cleveland, Ohio (City) with electric energy by means of a 138 KV permanent synchronous interconnection, as well as continuing the existing load transfer service along with emergency service over a 69 KV temporary non-synchronous open-switch interconnection.

Opinion and Order No. 644, was issued in response to the complaint by the City of Cleveland, Ohio (City) against Cleveland Electric Illuminating Co. and City of Cleveland, filed May 13, 1971, Docket Nos. E-7631, et al. The City instituted these prior proceedings for the purpose of obtaining an interconnection with CEI. This interconnection was required to solve the inadequacies and deficiencies that had plagued the City's Municipal Electric Light Plant (MELP) system.

For a period of time prior to the issuance of Opinion and Order No. 644, the City had refused to pay or had been quite late in paying, certain bills rendered by CEI. Being aware of this history of arrearages, the Commission was concerned that an undue burden should not be placed on CEI as a result of the order to interconnect its system with that of the City. Accordingly, Opinion and Order No. 644 further provides that:

(D) Bills to the City for the continuation of the load transfer service, the 69 KV Emergency Interconnection and the 138 KV permanent interconnection shall be paid within 45 days from receipt of the bill. If not paid within 45 days, 5 percent is to be added to the bill, and if not paid within a total of 60 days from the receipt of the bill then 1 percent per month, or portion thereof, will be added to the bill thereafter until paid.

On Febuary 8, 1973, the City applied to the Commission for rehearing of Opinion and Order No. 644. The Commission unanimously voted to deny the petition on March 9, 1973. The City then petitioned the United States Court of Appeals for the District of Columbia Circuit (No. 73-1282) for review of the Commission's Order Denying Rehearing. This appeal is now pending.

According to the current motion by CEI, the City has failed to comply with the payment provisions section (D) of the Commission's Order, quoted above. CEI also states that the City is severely in arrears for a sum in excess of $820,803.29, and that it has received no payment from the City since February 16, 1973. It appears that the City has chosen to accept the benefits of the interconnection order pursuant to Opinion and Order No. 644, without assuming the corresponding duty to make payment for the energy supplied to it.

The Commission orders: The City of Cleveland, Ohio shall file an answer with this Commission, no later than two weeks from the date of this order, and show cause why the Commission should not, pursuant to section 309 of the Federal Power Act, 16 U.S.C. 825h, set aside those portions of Commission Opinion and Order No. 644 which heretofore required the Cleveland Electric Illuminating Co. to interconnect its facilities with those of the City of Cleveland and supply electric energy by means thereof.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16570 Filed 8-9-73;8:45 am]

[Docket No. RP73-65]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Proposed PGA Rate Adjustment

AUGUST 2, 1973.

Take notice that Columbia Gas Transmission Corp. (Columbia), on July 16, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. Columbia states that the proposed changes, to be effective September 1, 1973, provide purchased gas adjustments to recover increased cost of gas purchased of $9,692,783 annually, and surcharges to recover deferred gas purchase costs of $4,244,408 which surcharges are to be effective for a six-month period.

Columbia states that copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before August 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16585 Filed 8-9-73;8:45 am]

[Docket Nos. E-7801, E-8111, E-8105]

CONNECTICUT LIGHT AND POWER CO.

Order Accepting Initial Rate Schedules and Initiating Investigations and Consolidating Proceedings

AUGUST 2, 1973.

This order concerns two separate filings in Docket Nos. E-7801 and E-8111.

On November 1, 1972, The Connecticut Light and Power Company (CL&P) tendered for filing at Docket No. E-7801 as an initial rate schedule an agreement entitled Northfield Mountain Purchase Agreement (Agreement) dated October 1, 1971. The Agreement is between CL&P, The Hartford Electric Light Company (Hartford) and Western Massachusetts Electric Company (Western Massachusetts) jointly the (Licensees) and the Public Service Company of New Hampshire (the Purchaser). The proposed effective date was December 1, 1972, or such later date as the first unit is declared available for operations and the Agreement is to continue until October 28, 1974. The agreement became effective by operation of law on December 2, 1972, thirty days after filing.

CL&P states that the Agreement provides for sales of specified percentages of capacity and related pondage of the Northfield Mountain Pump Storage Hydro Electric Project together with related transmission service. The Agreement is signed by representatives of the four parties and certificates of concurrence from Hartford and Western Massachusetts are included in the filing.

Public notice of the filing was issued on December 22, 1972, with petitions to intervene and protests due on or before January 8, 1973. No such petitions or protests were received.

The proposed rates, according to CL&P's submittal would include a joint rate of return for the Licensees of 10.00 percent. Our review of the filing indicates that the proposed rates may not be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we will institute an investigation under Section 206 of the Federal Power Act to determine the justness and reasonableness of the filed rates.

On April 5, 1973, CL&P tendered for filing, in Docket No. E-8111, a proposed

Rate Schedule consisting of a Purchased agreement (Agreement) dated February 1, 1973, between CL&P and New Bedford Gas and Edison Light Company (New Bedford). CL&P's transmittal letter states that the Agreement provides for sales to New Bedford of specified percentages of capacity and energy from CL&P's Monteville Unit No. 6 from May 1, 1973 through October 31, 1973. The Agreement is signed by the parties. CL&P requests an effective date of May 1, 1973, but does not specifically request waiver of the Commission's thirty-day notice period.

The filing was noticed on April 17, 1973, with petitions to intervene and protests due on or before April 24, 1973. No such petitions were received.

We shall treat this filing as an initial filing and grant waiver of the notice requirements so as to allow for an effective date of May 1, 1973. The proposed rates, according to CL&P, would include overall rates of return for CL&P of 10.6 percent. Our review of the filing indicates that the proposed rates may not be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we will institute an investigation under section 206 of the Federal Power Act to determine the justness and reasonableness of the filed rates.

We note that the issues in the above proceedings are substantially the same as those in Docket No. E–8105 wherein we ordered on July 10, 1973, a section 206 investigation into the justness and reasonableness of the rates therein. We shall therefore consolidate the investigations ordered herein with that instituted in that docket. Since the parties are presently preparing their evidence in Docket No. E–8105 and since our order in that Docket was issued a short time ago, adherence to the procedural dates set forth in Docket No. E–8105 which we order hereinafter, will not unduly prejudice the parties to this docket.

The Commission finds.

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon an investigation to determine if the rates and charges contained in CL&P's proposed Rate Schedules are in the public interest.

(2) Good cause exists to consolidate Docket Nos. E–7801 and E–8111 with E–8105.

(3) The disposition of these proceedings should be expedited in accordance with the procedure set forth in Docket No. E–8105 by our order issued July 10, 1973.

(4) Waiver of our notice requirements should be granted to permit an effective date of May 1, 1973, for the filing in Docket No. E–8111.

The Commission orders.

(A) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held, to determine if the rates, charges, classifications and services contained in CL&P's proposed Rate Schedules are in the public interest.

(B) Docket Nos. E–7801, E–8111 and E–8105 are hereby consolidated since the issues of fact and law are substantially the same, and the disposition of Docket Nos. E–7801 and E–8111 shall be expedited in accordance with the procedures set forth in Docket No. E–8105.

(C) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(D) Waiver of our notice regulations as to the filing in Docket No. E–8111 is granted and the rates are permitted to become effective May 1, 1973.

(E) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16549 Filed 8–9–73;8:45 am]

[Docket No. E–8288 et al.]

DUKE POWER CO., ET AL

Notice of Application

AUGUST 2, 1973.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to these applications should on or before August 28, 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). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. 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. The applications referred to above, are on file with the Commission and are available for public inspection.

Docket No.: E–8288, *Filing Date:* 6/21/73, *Name of Applicant:* Duke Power Company.

By letter dated June 19, 1973, Applicant filed a Supplement to its contract with Laurens Electric Cooperative, Inc. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 144. The Supplemental Agreement indicates an increase in designated demand at each of the following delivery points: Delivery Point No. 5, from 1,300 Kw to 2,600 Kw; Delivery Point No. 18 from 800 Kw to 1,100 Kw; Delivery Point No. 19, from 2,200 Kw to 3,000 Kw. Delivery Point No. 21 now has Southeastern Power Authority allocation which it previously did not have and there has been Southeastern Power Authority re-allocation at Delivery Point No. 2. Applicant requests that these amendments be made effective on June 20, 1973.

Docket No.: E–8292, *Filing Date:* 6/25/73, *Name of Applicant:* The Washington Water Power Company.

In its letter of June 20, 1973, Applicant requests that it's agreement with the Portland General Electric Company, dated May 14, 1973, be accepted for filing with the Commission. The agreement provides for the delivery of capacity by Portland General Electric Company to Applicant on a monthly basis in the amount of 50,000 kw during the period November 1, 1973—March 31, 1974. In exchange for such capacity the Applicant will deliver 2,404 mwh of energy per week to the Portland General Electric Company over the same period. This transaction will be on an energy exchange basis exclusively, there will be no monetary charges involved.

Docket No.: E–8295, *Filing Date:* 6/27/73, *Name of Applicant:* Mississippi Power & Light Company.

Applicant requests that its April 21, 1972, agreement with the Delta Electric Power Association (Delta) for a sale of power to Delta, and a Supplemental Operating Agreement dated July 3, 1963, be accepted with the Commission, Applicant's Rate Schedule REA–11, is on file with the Commission and is currently effective tariff for service to electric power associations.

August 15, 1973, is the proposed date of initial service. Applicant requests that this filing be made effective on the date on which service is rendered initially; Applicant will advise the Commission of that date.

Docket No.: E–8296, *Filing date:* 6/29/73, *Name of Applicant:* New York State Electric & Gas Corp.

By letter dated June 27, 1973, Applicant submits for filing as a rate schedule the June 19, 1973, agreement between Applicant and Central Hudson Gas & Electric Corporation (Central Hudson). Under the terms of this agreement, the Applicant will sell 32,000 kw of firm capability and associated energy for the term commencing on July 1, 1973 and terminating on July 31, 1973. Applicant will deliver energy to the Niagara Mohawk Power Corporation for redelivery to Central Hudson. Applicant requests that July 1, 1973, be allowed as the effective date.

Docket No.: E–8299, *Filing Date:* 7/2/73, *Name of Applicant:* Duke Power Company.

The Applicant filed by letter dated June 26, 1973, a supplement to its contract with the City of Kings Mountain, North Carolina. The subject matter of this proposed filing is the new 2,500 kw Delivery Point No. 2 located at Kings Mountain. The Applicant is constructing approximately 300 feet of 44 Kv tap line and a new substation for service under this supplemental agreement. Applicant requests effectiveness on July 20, 1973.

Docket No.: E–8304, Filing Date: 6/25/73, Name of Applicant: Northern States Power Company.

By letter dated June 20, 1973, Northern States Power Company gives notice of cancellation of the Manitoba-United States-Winnipeg-Grand Forks 230 KV Interconnection Facilities Agreement, dated January 16, 1969, between the Manitoba Hydro-Electric Board.

Minnkota Power Cooperative, Inc., Northern States Power Company, and Otter Tail Power Company.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16568 Filed 8-9-73;8:45 am]

[Docket No. CI73-746]

EDWIN L. COX

Order Granting Interventions, and Fixing Date for Hearing

AUGUST 2, 1973.

The above-named applicant has filed an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75 [2] of the Commission's general policy statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (Hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On May 2, 1973, Edwin L. Cox (Cox) filed in Docket No. CI73-746 an application for the sale of natural gas to Florida Gas Transmission Co. (Florida) pursuant to the optional certification procedure set forth in § 2.75 of the Commission's rules of practice and procedure. The subject gas would be produced from the East Bayou Pigeon Field, Iberia Parish, Louisiana (Onshore, Southern Louisiana Area), at initial price of 35.0 cents per Mcf at 15.025 psia with 1.0 cent/Mcf annual escalations throughout the term, 20 years of life of lease or as long as gas is economically deliverable, whichever is lesser. The basic contract with Florida Gas Transmission Company provides for reimbursment to the sellers for 100 percent of any new or additional taxes and adjustment in the price, downward or upward should the Btu content of the gas fall below 1000 or exceed 1050 Btu/cubic feet, respectively.

A notice of intervention was filed by the Public Service Commission for the State of New York, and timely petitions to intervene were filed by:

Associated Gas Distributors
Florida Gas Transmission Co.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See no. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought.[5]

No intervenor has questioned Florida Gas's need for the approximately 1 billion cubic feet of natural gas that will be available as a result of this purchase. We note from the filings that Florida Gas is currently curtailing deliveries to its customers and is seeking approval of its curtailment plan in Docket No. RP66-4. Florida Gas is also making short-term emergency purchases in order to maintain its deliverability. Accordingly, the hearing provided for herein should not explore any issues related to Florida Gas's need for additional supplies of natural gas. However, we shall require Florida Gas to present evidence as to whether or not a comparable supply of natural gas is available to Florida Gas at any rate lower than the rate proposed in this application.

The Commission finds. (1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these proceedings.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I) a public hearing shall be held concerning the issues presented by the application herein commencing October 29, 1973, at 10 am (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. § 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before September 24, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before October 8, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before October 23, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(G) The Administrative Law Judge's decision shall be rendered on or before December 4, 1973. All briefs on exceptions shall be due on or before December 14, 1973, and replies thereto shall be due on or before December 21, 1973.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16552 Filed 8-9-73;8:45 am]

[Docket Nos. G-8934; G-10008]

EL PASO NATURAL GAS CO.

Notice of Amendment to Petition

AUGUST 1, 1973.

Take notice that on July 20, 1973, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79928, filed in Docket Nos. G-8934 and G-10008 an amendment to its petition to amend filed on November 30, 1970, as supplemented August 11, 1972, in said dockets, pursuant to section 7(c) of the Natural Gas Act to amend the orders issuing certificates of public convenience and necessity in said dockets, so as to conform

[1] 15 U.S.C. 717, et seq. (1970).
[2] 18 CFR 2.75.
[3] Statement of Policy Relating to Optional Procedure for Certificating New Producer Sales of Natural Gas, Docket No. R-441, — P.P.C. — (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al v. P.P.C. No. 72-1837 (D.C. Cir.).

[4] Opinion And Order Issuing Certificate of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent et al., Docket Nos. CI73-293, et al.,— P.P.C.—,—(issued May 30, 1973, slip op. at para. 21, p. 5).
[5] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

Petitioner's petition with its oral amendment introduced in the course of a hearing before an Administrative Law Judge on June 5, 1973, all as more fully set forth in the amendment to the petition to amend which is on file with the Commission and open to public inspection.

In its petition to amend, as supplemented, the orders issued November 25, 1955, in Docket No. G-8934 (14 FPC 157) and May 8, 1956, in Docket No. G-10008 (15 FPC 1378), Petitioner proposes to sell and deliver, on a daily basis, to Union Carbide Company (Union Carbide) at Uravan, Colorado, volumes of firm gas possessing up to 112 million Btu and volumes of interruptible gas possessing up to 2,258 million Btu. It is stated that the gas is to be used for space heating and human needs.

Petitioner now proposes to sell and deliver to Union Carbide firm gas possessing up to 735 million Btu and interruptible gas processing up to 2,370 million Btu. Petitioner, proposes to charge 4.2 cents per 100,000 Btu for firm and 3.8 cents per 100,000 Btu for interruptible service. Petitioner states that it made the said proposal orally at a hearing held on June 5, 1973, before an Administrative Law Judge in the form of a motion to amend its petition to amend in the said dockets pursuant to § 1.11(b) of the Commission's rules of practice and procedure (18 CFR 1.11(b)). The purpose of the oral motion was to confrom the pleadings at the hearing to issues raised in the prepared direct testimony by certain of Petitioner's and Union Carbide's officers and employees. That motion was granted by the Presiding Judge and the testimony was received indicating that additional gas was required by Union Carbide for plant protection and that Petitioner was willing to supply the necessary increased volumes. Petitioner states that the instant amendment is to insure compliance with all procedural requirements by formally setting forth the terms of Petitioner's oral amendment permitted at the June 5, 1973, hearing.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 23, 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. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16545 Filed 8-9-73;8:45 am]

[Docket No. E-8293]

FLORIDA POWER AND LIGHT CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 2, 1973.

Take notice that on July 11, 1973, Florida Power and Light Co. (Florida) tendered for filing proposed changes in its Rate Schedule FPC Nos. 2, 8, 12, 13, and 15 to become effective on September 11, 1973.

Florida asserts that the changes are necessary to eliminate the Commodity Adjustment Clauses as directed by the Commission. The same changes were proposed in Florida Rate Schedule Nos. 9, 10, 11, 14, and 16 by a June 19, 1973 filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16553 Filed 8-9-73;8:45 am]

[Docket No. E-8116; E-8121]

GULF STATES UTILITIES CO.

Wholesale Electric Rates; Acceptance for Filing and Consolidation of Dockets

AUGUST 2, 1973.

On April 9, 1973, Gulf States Utilities Co. (Gulf States) filed a Letter Agreement dated August 30, 1972, between the Company and Sam Rayburn Dam Electric Cooperative Inc. (Sam Dam) which is proposed as an amendment to Gulf State's FPC Electric Rate Schedule No. 98. The Letter Agreement states that, pursuant to Commission order,[1] the Southwestern Power Administration (SPA) increased its charges to Sam Dam for hydroelectric power from the Sam Rayburn Dam Project. The Letter Agreement provides that these increases from SPA will not be passed on to Gulf States regardless of the final outcome of a lawsuit currently pursued in the courts by Sam Dam contesting such increase. At present, Gulf States buys power from Sam Dam at the same price Sam Dam purchases such power from the Sam Rayburn Dam Project. This purchased power is then integrated with Gulf State's self-generated power production and both purchased power and self-generated power are sold to Gulf State's various customers, including the members of the Sam Dam Cooperative.[2] In return for Sam Dam's agreement not to pass on the above-mentioned increase, Gulf States indicates in the Letter Agreement that it will refrain from negotiating for increased compensation or exercising its right to terminate its present contract for service (FPC No. 98) with Sam Dam. No effective date for the Letter Agreement was proposed in the filing, but the transmittal letter requests that the notice requirements of § 35.3 be waived to the extent that they are in conflict with the filing. We shall consider, as an effective date, August 30, 1972, the date of the Letter Agreement.

The filing was noticed on May 15, 1973, with comments, protests and petitions to intervene due on or before May 29, 1973.

By our order of June 14, 1973, in Docket No. E-8121, we suspended for one day a general rate increase proposed by Gulf States for certain jurisdictional customers, including the Sam Dam cooperative customers, and permitted such increase to become effective on June 16, 1973. On May 29, 1973, Sam Dam filed a petition to intervene in the instant docket in which it alleges that the subject Letter Agreement prevents Gulf States from raising or renegotiating its rates under, or terminating its contract with, Sam Dam, even with respect to the general rate increase in Docket No. E-8121, as such increase would affect the Sam Dam cooperative members. On June 4, 1973, Gulf States filed an answer to Sam Dam's petition wherein Gulf States contends that the Letter Agreement identifies and speaks only to the specific SPA-ordered rate increase, and not to general rate increases proposed by the Company to be placed in effect for all its jurisdictional customers. We note that the Letter Agreement appears to be solely concerned with the narrow issue surrounding the SPA increase rather than intending to deal with a general rate increase proposed by the Company. Nevertheless, we believe that the Letter Agreement is sufficiently ambiguous on this point to require that the question of its possible relevance to the issues in Docket No. E-8121 should be determined in the hearing presently scheduled in that docket. We shall accept the tendered Letter Agreement as a proper modification of Gulf State's Rate Schedule FPC No. 98 in so far as it relates to the increases subject to the order of the SPA. As to whether the Letter Agreement precludes, in whole or in part, the general rate increase proposed in Docket No. E-8121, as such increase relates to Sam Dam, we shall consolidate the dockets and reserve that question for hearing in the proceeding in that Docket. Should it be determined that the Letter Agreement does prohibit to any extent such proposed increase, it shall also be specifi-

[1] Order issued March 5, 1971 in Docket No. E-7201.

[2] These members are: The Town of Vinton, Louisiana; The City of Livingston, Texas; The City of Jasper, Texas; The City of Liberty, Texas; Sam Houston Electric Cooperative; and Jasper Newton Electric Cooperative.

cally determined at the hearing what portion of the increase should be disallowed.

The Commission finds. (1) The Letter Agreement proposed by Gulf States should be accepted for filing as a part of Gulf State's Rate Schedule FPC No. 98 as ordered below.

(2) The issue of whether the Letter Agreement precludes, in whole or in part, the general rate increase proposed in Docket No. E–8121, as such increase would affect the Sam Dam members, should be reserved for hearing and consolidated with Docket No. E–8121.

(3) Gulf State's requested waiver of § 35.3 should be granted.

(4) Good cause exists to permit Sam Dam to intervene in the aforementioned proceeding.

The Commission orders. (A) The Letter Agreement proposed by Gulf States is hereby accepted for filing to be effective as of August 30, 1972, the date of the Letter Agreement.

(B) This docket is hereby consolidated with, and shall become a part of, Docket No. E–8121 for the purpose of determining if the Letter Agreement precludes, in whole or in part, the general rate increase proposed by Gulf States in that docket to the extent that the increase might effect the members of the Sam Dam cooperative.

(C) Waiver of § 35.3 is hereby granted to permit an effective date of August 30, 1972, for the Letter Agreement.

(D) Petitioner for intervention, Sam Dam, shall be permitted to intervene in the aforementioned proceeding, subject to the Commission's rules and regulations; *Provided, however,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any orders entered in this proceeding and *Provided, further,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16567 Filed 8–9–73;8:45 am]

[Docket No. E–8320]

INTERSTATE POWER CO.

Notice of Application

AUGUST 3, 1973.

Take notice that on July 16, 1973, Interstate Power Company (Applicant) filed an application with this Commission seeking authorization to enter into a Secured Guaranty Agreement with the Trustee of Pollution Control Revenue Bonds to be issued by the City of Clinton, Iowa, in the amount of $975,000, which bonds, taking into account market conditions, will be sold by the City as soon as possible after obtaining approval of this Guaranty.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office in Dubuque, Iowa, and is engaged principally in the electric utility business in northern and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

The bonds of the City will be sold to finance the acquisition from the Applicant of a leasehold interest in and the construction of pollution abatement equipment at Applicant's Steam Electric Generating Milton L. Kapp Power Station in Clinton, Iowa, installation of which is expected to be completed in 1974. Said equipment will be subleased by the City to the Applicant and payments under said sublease will be sufficient to pay principal, premium if any, will not be issued by the Applicant. The rate of interest will be negotiated at a private sale of the bonds between the City and the underwriters.

The authorization sought is for Applicant to issue an independent Secured Guaranty to the Trustee and holders of the bonds of payment of principal, premium if any, and interest on said bonds. No payments are made pursuant to the sublease.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16542 Filed 8–9–73;8:45 am]

[Docket No. E–8125]

KANSAS POWER AND LIGHT CO.

Notice Deferring Procedural Dates

AUGUST 2, 1973.

On July 30, 1973, the Kansas Power and Light Co. and the interveners, filed a petition to file settlement agreement, and for waiver of hearing among other things.

Upon consideration, notice is hereby given that the procedural dates fixed by notice issued June 26, 1973 in the above-designated matter are deferred pending further order of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16556 Filed 8–9–73;8:45 am]

[Docket No. RI72–250]

MOBIL OIL CORP.

Order Accepting Rate Increase, Terminating Rate Proceeding in Part, and Ordering Refund

AUGUST 1, 1973.

Mobil Oil Corp. (Mobil) filed on June 11, 1973, a notice of change in rate and a related new contract, designated as Supplement Nos. 22 and 21 to its FPC Gas Rate Schedule No. 39, respectively, for sales of natural gas in the Texas Gulf Coast Area to Natural Gas Pipeline Co. of America from the Clayton Field, Live Oak County, Texas. The proposed rate change provides for a rate of 24 cents per Mcf, which is the new gas ceiling provided in Opinion No. 595[1] for sales of gas from the Texas Gulf Coast Area pursuant to contracts dated on or after October 1, 1968. The new contract filed herein by Mobil is dated after October 1, 1968.

Mobil proposes to substitute the subject increased rate filing for an earlier unilateral rate change filed under the same rate schedule. The previous increase was also to the 24¢ per Mcf new gas ceiling rate, but was suspended and thereafter collected subject to refund in the above-entitled proceeding pending determination as to whether the "old" or "new" gas ceiling under Opinion No. 595 was applicable.[2]

In Opinion No. 639,[3] we announced our intention to apply literally the "vintaging" provisions of previous area rate opinions by using the date of a new contract for purposes of determining the applicable ceiling where the original contract has expired by its own terms. Inasmuch as the present rate change filing is based on a contract dated after October 1, 1968, and the original contract under which the gas had previously been sold has expired by its own terms, the subject rate increase and the new contract conform with the provisions set forth in Opinion Nos. 639 and 595, and should therefore be accepted as of the date of filing.

While the new contract is dated so as to take effect as of the expiration date of the old contract, it was not submitted until June 11, 1973. There is no justification in these circumstances for relieving Mobil of its refund obligation under the suspension proceeding for the period prior to the submittal of the new contracts.[4] During that period the collection

[1] Opinion and Order Determining Just and Reasonable Rates for Natural Gas in the Texas Gulf Coast Area, Docket Nos. AR64–2, et al., issued May 6, 1971, 45 FPC 674 (1971).

[2] Docket No. RI72–250 also includes sales under other Mobil rate schedules which are not involved in this order.

[3] Opinion and Order Denying Petitions to Amend Regulations Covering Sales in Interstate Commerce of Natural Gas Produced in the Appalachian and Illinois Basin Areas, Docket No. R–371 issued December 12, 1972.

[4] See Mobil Oil Corp., FPC Gas Rate Schedule No. 84, order issued March 15, 1973; Mobil Oil Corp., Docket No. RI73–3, et al., order issued May 10, 1973.

of 24 cents was in conflict with the moratorium provisions of Opinion No. 595 prohibiting rate filings in excess of the rate ceilings prescribed therein.

We interpret the filing by Mobil as a withdrawal of its claim that the gas sold from acreage dedicated under the original contract after the expiration of such contract was never committed and thus qualifies as "new" gas.[5] Accordingly, we shall require refunds of amounts collected in excess of 19 cents per Mcf in the suspension proceeding for the period prior to the acceptance of the 24 cent filings, except insofar as sales have been made during such period pursuant to Opinion No. 567 filings.

A notice of intervention in this proceeding was filed by the Public Service Commission of the State of New York and petitions to intervene herein were filed by Natural Gas Pipeline Co. of America and Phillips Petroleum Co.

The Commission orders. (A) Supplement Nos. 21 and 22 to Mobil's FPC Gas Rate Schedule No. 39 are accepted for filing, to be effective as of June 11, 1973.

(B) The suspension proceeding in Docket No. RI72-250 is hereby terminated only insofar as it relates to sales under Mobil's FPC Gas Rate Schedule No. 39.

(C) Mobil, within 60 days of the issuance of this order shall file a refund report, in accordance with Ordering Paragraph (E) of Opinion No. 595, as amended, showing all amounts collected for the subject sales, except insofar as such sales were made pursuant to Opinion No. 567 filings, in excess of 19 cents per Mcf for the period prior to the effective date prescribed in Ordering Paragraph (A) above for its 24 cents per Mcf filing, with interest at 7 percent per annum calculated to the date of filing of the refund report. Mobil shall retain such refund amounts pursuant to either Ordering Paragraph (F) or (G) of Opinion No. 595.

(D) The petitions to intervene filed by Phillips Petroleum Company and Natural Gas Pipeline Company of America are hereby granted. *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

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

[FR Doc.73-16565 Filed 8-9-73;8:45 am]

[5] Our interpretation applies only to the subject sales and is without prejudice to Mobil's position in any other pending cases.

[Docket No. RP73-63]

NATURAL GAS PIPELINE CO. OF AMERICA

Order Adopting Settlement Proposal, Authorizing Sale of Gas at Applicable Area Rates, Authorizing Amendment of Purchase Gas Adjustment Clause, and Terminating Proceedings

AUGUST 3, 1973.

On November 17, 1972, Natural Gas Pipeline Company of America (Natural) filed a petition in this proceeding pursuant to the provisions of section 16 of the Natural Gas Act and § 1.7 of the Commission's rules of practice and procedure, seeking authorization (1) to price for a period of twelve years natural gas produced from leases acquired by Natural prior to October 7, 1969, at the applicable area rate established by the Commission for gas of comparable quality and vintage rather than at Natural's cost of service; (2) to establish a revolving exploration and development fund to be financed with monies provided by the pricing of gas produced by Natural at the applicable area rate rather than the cost of service, plus the net income after taxes from all revenues received from natural gas and oil produced from reserves discovered or acquired as a result of activities financed with monies from the revolving exploration fund; (3) to modify paragraph 18.62 of its Purchase Gas Adjustment Clause (FPC Gas Tariff, Third Revised Volume No. 1) to reflect the initial change of pricing its own production at the applicable area rate rather than at the cost of service; and (4) to modify paragraph 18.63 of its Purchase Gas Adjustment Clause (FPC Gas Tariff, Third Revised Volume No. 1) to reflect any changes in the applicable area rate subsequent to the granting of the authorization requested in the application. The Purchase Gas Adjustment Clause would be modified by eliminating the words "cost of company-owned pipeline production from leases acquired on or after October 7, 1969", and substituting the words "company-owned production at area rates." Natural's petition was noticed on December 1, 1972, and that notice was published in the FEDERAL REGISTER on December 7, 1972 (37 FR 26059). Timely protests or petitions to intervene were due on or before December 11, 1972. Petitions to intervene were filed by the following parties:

Associated Natural Gas Company
Central Illinois Light Company
Northern Illinois Gas Company
North Shore Gas Company
The Peoples Gas, Light, and Coke Company
Iowa-Illinois Gas and Electric Company (late)
Mississippi River Transmission Corporation (late)
Illinois Power Company (late)
Northern Indiana Public Service Company (late)

These petitions to intervene were granted by the Commission's order of January 22, 1973. The petition to intervene filed by Phillips Petroleum Company on March 5, 1973, was granted by order of April 6, 1973. Phillips filed a withdrawal of its petition to intervene on May 4, 1973.

By order of January 22, 1973, the Commission established a date for prehearing conference in an effort to resolve the issues raised by Natural's petition. These issues were: the amount of reserves to be discovered, developed, and dedicated to Natural's system as a basis of determining refund obligations to Natural's customers should the need arise, and the amount of monies which Natural would add to the fund as a result of sales of natural gas and oil from reserves discovered as a result of the exploration efforts. At prehearing conferences held on February 8, 1973, and February 15, 1973, the parties to this proceeding, including Staff, were able to agree to a proposed settlement which was filed with the Presiding Administrative Law Judge on March 23, 1973. The Administrative Law Judge certified the settlement to the Commission on March 28, 1973. Notice of the Certification of Proposed Settlement Agreement was issued on June 6, 1973, and published in the FEDERAL REGISTER on June 11, 1973 (38 FR 15390). Comments on the proposed Stipulation and Agreement were due on or before June 21, 1973. The following parties filed comments:

Illinois Power Company
Northern Indiana Public Service Commission
Iowa-Illinois Gas and Electric Company
Northern Illinois Gas Company
The Peoples Gas, Light and Coke Company

No party filing comments opposed the proposed settlement.

Natural's proposal was patterned after a plan submitted to the Commission by Panhandle Eastern Pipe Line Company.[1] However, Natural's proposed program differed in certain respects from the program approved by the Commission in Opinion No. 626. First, Natural plans to keep the producing properties within its own corporate structure rather than transferring them to a wholly-owned subsidiary; secondly, the program period is twelve years rather than five; third, the original proposal by Natural did not contain an estimate of the reserves to be found as a result of exploration activities financed by its program; fourth, the additional amounts which would be added to the revolving exploration fund as a result of sales of natural gas and oil produced from reserves discovered through activities financed by the fund were expressed in terms of net income after taxes rather than specific amounts per unit of gas and oil production.[2]

The twelve year program period is more than double the period approved in Panhandle, but it is not unreasonable to allow Natural to spread its activities over this

[1] Panhandle Eastern Pipeline Company, Pan Eastern Exploration Company, Docket Nos. CP71-237, CI71-714, Opinion No. 626, — F.P.C. —, (issued November 17, 1972).

[2] The specific amounts approved in *Panhandle* were 3.0 cents per Mcf and 50 cents per barrel. Opinion 626, *supra*, — F.P.C. —, —(slip opinion at 14).

period of time since the parties believe that such a plan will produce the greatest benefit to Natural, and Natural's customers.

The proposed settlement provides for a review of Natural's proposal at the end of five years and specifically reserves to the Commission the power to require at that time refunds to Natural's customers of any amounts spent from the revolving fund not expended on bona fide exploration and development activities or take any other action that the Commission deems necessary to protect the public interest. When coupled with the requirements for an annual report concerning its exploration activities and the refund requirements at the end of twelve years, we believe that there is sufficient protection for Natural's customers to warrant approving the program for the full twelve-year period subject to the conditions of the settlement agreement.

The proposed settlement contains a reserve dedication figure of 200 Bcf to meet the requirements of Opinion No. 626 with respect to a reserve dedication goal against which refund obligations can be determined.[3] In view of the rising cost of finding and developing new supplies of natural gas, we believe that the reserve goal of 200 Bcf is reasonable and should be accepted by the Commission.[4] Natural's customers are further protected in that the proposed settlement requires the following:

D. Natural must spend at least seventy (70) percent of the revolving exploration fund monies on exploration (including drilling, applicable lease acquisition and geological activities) of reservoirs which have not been previously drilled by Natural or any other natural gas company; provided, however, that no more than thirty (30) percent of the fund money may be spent on lease acquisition. Any well drilled only into a previously drilled reservoir shall be considered to be a developmental well and Natural shall expend no more than thirty (30) percent of the monies in the revolving exploration fund on developmental wells. If an exploration well drilled in those reservoirs which have not been previously drilled is successful, then Natural may expend no more than thirty (30) percent of the monies in the revolving exploration fund to develop that reservoir.

These restrictions upon the use of monies from the revolving exploration fund are sufficient to insure that Natural will undertake a vigorous search for new supplies of natural gas. The use of the fund monies is further restricted in that those monies may not be used for advance payments, or for exploration and development activities in the offshore Federal domain.

Natural is further required to dedicate all reserves discovered through the expenditure of exploration fund monies to its system by the most feasible means and to forego pricing such natural gas under the optional procedures adopted by the Commission in Order Nos. 455 (_____ F.P.C. _____ (issued August 3, 1972)) and 455-A (_____ F.P.C. _____ (issued September 8, 1972)).[5]

Finally, we note that the settlement incorporates the specific amounts per unit of natural gas and oil production that were adopted in the Panhandle case as an alternative to the net income after taxes proposal in Natural's application for additional amounts to be added to the revolving exploration fund resulting from the production of natural gas and oil from reservoirs discovered through the use of monies from the exploration fund. Since the settlement requires that the greater of these two amounts be added to the revolving exploration fund, we believe that the protection required in the Panhandle opinion has been achieved and that the settlement proposal adequately protects Natural's customers.

Natural's application as modified by the conditions and restrictions of the proposed settlement should be granted by the Commission as being necessary and in the public interest. Natural's proposal will, if successful, result in the dedication of additional supplies of natural gas to the interstate market and will help reduce the curtailments to which Natural's customers have been subject.[6]

The Commission further finds:

(1) Natural Gas Pipeline Company of America is a natural gas company under the Natural Gas Act.

(2) The production properties and facilities hereinbefore described and more specifically described in the instant applications are used in the production and sale of natural gas in interstate commerce, subject to the jurisdiction of the Federal Power Commission.

(3) Natural should be authorized to sell gas produced by it at applicable area rates for a period of twelve years. At that time, upon filing by Natural, the Commission will make a further determination with respect to the rates for Natural's pipeline production to be effective after the initial twelve-year period, and in the absence of a showing by Natural that the public interest requires otherwise, the rates for gas from Natural's leases acquired on or before October 7, 1969, will be established on a cost of service basis.

(4) It is in the public interest that Natural Gas Pipeline Company of America be permitted to amend its Purchased Gas Adjustment Clause as hereinafter described.

(5) Natural is 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.

The Commission orders.

(A) The proposed "Stipulation and Agreement To Terminate Proceedings" is accepted by the Commission and Natural Gas Pipeline Company of America's motion for the approval of the same is granted.

(B) Natural is hereby authorized for a period of twelve years from the date of this order to price natural gas produced from leases acquired by Natural prior to October 7, 1969, at the applicable area rate from time to time established by the Commission for gas of comparable quality and vintage, or at such rate as may lawfully be established in the event that area rates shall not be applicable to gas produced from these leases, instead of the cost of service basis at which such gas is now priced.

(C) Natural is hereby authorized to file an amendment to Paragraph 18.62 of the Purchased Gas Adjustment Clause in Natural's FPC Gas Tariff (Third Revised Volume No. 1) in order to reflect the change in Natural's base average purchased gas cost resulting from pricing gas produced from Natural's pre-1969 leases at the applicable area rate. Such amendment shall be effective on the date of this order.

(D) Natural is hereby authorized to file an amendment to Paragraph 18.63 of the Purchased Gas Adjustment Clause in Natural's FPC Gas Tariff (Third Revised Volume No. 1) eliminating the words "cost of company-owned pipeline production from leases acquired on or after October 7, 1969", and substituting therefor "company-owned production priced at area rates." This amendment shall be effective on the date of this order.

(E) Natural shall establish and expend monies from a revolving exploration fund to be comprised of:

(1) The additional revenues received (without reduction for federal or state income taxes on said additional revenues) as a consequence of pricing gas produced from the pre-1969 leases for the time period and in the manner described in ordering paragraph (B) above. The additional annual revenues shall be determined by multiplying (i) the difference between the applicable area rate and the applicable cost of service by (ii) the volume of production from the pre-1969 leases.

(2) The higher of (i) the net income after taxes for a period of 12 years after the entry of a Commission order granting the authority for the program described herein on oil and gas produced from reserves discovered or acquired as the result of exploration activities financed under the revolving exploration fund, or (ii) the amount comprised of 3.0 cents per Mcf of natural gas and 50.0 cents per barrel of oil produced from re-

[3] The specific refund calculation is not contained in the settlement because it is dependent upon actual figures not yet available which are necessary to determine the amounts in the revolving exploration fund. However, if, at the end of the twelve year period, Natural has been unable to add 200 Bcf of reserves to its system, Natural is required to refund to its customers any fund monies which have not been spent for exploration and development.

[4] As to various estimates of the cost of finding new supplies of natural gas, see the "Notice of Proposed Rulemaking" and the responses filed in answer thereto in Docket No. R-389-B. The Notice of Proposed Rulemaking was issued on April 11, 1973.

[5] 18 CFR § 2.75.

[6] Natural has curtailed firm deliveries to its customers by approximately 253 Bcf since June 1970.

serves discovered or acquired as the result of exploration activities financed under the revolving exploration fund. The contribution into the fund required under this sub-paragraph (2) shall be determined annually on the basis of the cumulative amounts which have accrued to date under categories (i) and (ii) described herein.

(F) The above authorizations shall be subject to the following conditions which are part of the settlement proposal:

(1) The volume of 200,000,000 Mcf of natural gas reserves shall be established as the target volume to be discovered or acquired and dedicated to Natural's system as a result of the exploration program. If at the end of the 12-year period, Natural has been unable to add the aforementioned target volume of reserves to its system, Natural shall make a full accounting of its activities for said 12-year period, and any funds not spent for exploration and development activities as of that time shall be refunded to Natural's customers; provided, however, that at the end of five years from the date of issuance of the requested authorization Natural shall report to the Commission its efforts toward dedication of 200,000,000 Mcf in new reserves; and if a bona fide effort toward achieving such target volume has not been made, the Commission may require refunds to Natural's customers of any amounts not expended on bona fide exploration and development activities or take any other action that it deems necessary to protect the public interest.

(2) The amounts expended from the revolving exploration fund shall be spent on properties that are onshore in the vicinity of Natural's transmission system. The areas which are considered to be in the vicinity of Natural's transmission system are as follows:

(a) Illinois Basin Area, as defined in FPC Order No. 411 issued October 2, 1970, Docket R-371, _____ F.P.C. _____.

(b) Other Southwest Area, as defined in FPC Opinion 607 issued October 29, 1971, Docket AR67-1, ____ F.P.C. _____.

(c) Southern Louisiana Area, as defined in FPC Opinion 598, issued July 16, 1971, Docket Nos. AR61-2 & AR69-1.

(d) Texas Gulf Coast Area, as defined in FPC Opinion 595 issued May 6, 1971, Docket No. AR64-2, _____ F.P.C. _____ and FPC Order issued May 15, 1971.

(e) Permian Basin Area, as defined in FPC Order issued June 17, 1970, Docket No. AR70-1, _____ F.P.C. _____.

(f) Hugoton-Anadarko Area, as defined in FPC Opinion No. 586, issued September 18, 1970, Docket No. AR64-1, 44 F.P.C. 761.

Natural shall not be permitted to expend monies from the revolving exploration fund to explore and develop properties that are located offshore of the continental United States or its possessions as the offshore area is hereafter defined.

For the purpose of this Agreement, the terms "onshore" and "offshore" are defined as:

(a) Onshore refers to all lands within the boundaries of the several states of the United States of America, including lands underlying the coastal waters and territorial seas of the United States of America situated within such boundaries and including federal lands within such boundaries of the several states. The seaward boundary of the onshore area of the several states is that line defined by the decrees of the Supreme Court of the United States landward of which the several states are entitled to the lands, minerals, and natural resources underlying the waters.

(1) For the State of Texas, the seaward boundary is defined by the supplemental decree of the Supreme Court of the United States entered May 5, 1969. United States v. Louisiana, et al. (Texas Boundary Case). 394 U.S. 836 at 836-43 (1969).

(2) For the State of Louisiana, there still exists a disputed zone. However, the onshore area for Louisiana can be defined as all territory "lying more than one foot landward of the lines described in paragraph 2" of the supplemental decree of October 16, 1972. United States v. Louisiana, et al. (Louisiana Boundary Case), 409 U.S. 17 at 18 (1972).

(b) Offshore refers to all of the continental shelf of the United States of America seaward from the onshore areas of the several states:

(1) For the State of Texas, the offshore area is all territory seaward of the line described by the supplemental decree of May 5, 1969, in the Texas Boundary Case, 394 U.S. 836 at 836-43 (1969);

(2) For the State of Louisiana the offshore area includes all territory "lying more than one foot seaward of the line described in paragraph 3" of the supplemental decree of December 20, 1971, in the Louisiana Boundary Case, 404 U.S. 388 (1971); plus all territory in the disputed zone lying between the lines described by the decrees of December 20, 1971 (404 U.S. 388 at 389-402) and October 16, 1973 (409 U.S. 17 at 18-31) pending resolution of the boundary dispute between the State of Louisiana and the United States of America.

It is provided that the boundary between the State of Texas and the State of Louisiana shall be determined by the Report of the Special Master, Robert Van Pelt, Senior, U.S. District Judge, filed with the Supreme Court on May 8, 1972, in The State of Texas v. The State of Louisiana, 406 U.S. 941 (1972).

It is further provided that any territory which is not located within the boundaries of the State of Louisiana shall be deemed to be within the boundaries of Louisiana as of the date of the decree or decrees of the Supreme Court of the United States, giving title to such territory to Louisiana.

All monies expended from the revolving exploration fund shall be expended on wells drilled wholly within the onshore areas or for other exploratory or developmental activities within the onshore area.

The area rate for natural gas produced from a lease which is located both within the onshore and offshore areas shall be the area rate for natural gas produced within the onshore area.

(3) Natural shall expend for exploration and development, in addition to the monies contained in the revolving exploration fund provided for herein, a sum equal to at least an average expenditure of $1,000,000 per year over the 12-year term of the program established herein.

(4) Natural must spend at least seventy (70) percent of the revolving exploration fund monies on exploration (including drilling, applicable lease acquisition and geological and geophysical activities) of reservoirs which have not been previously drilled by Natural or any other natural gas company; provided, however, that no more than thirty (30) percent of the fund money may be spent on lease acquisition. Any well drilled only into a previously drilled reservoir shall be considered to be a developmental well and Natural shall expend no more than thirty (30) percent of the monies in the revolving exploration fund on developmental wells. If an exploration well drilled in those reservoirs which have not been previousy drilled is successful, then Natural may expend no more than (30) percent of the monies in the revolving exploration fund to develop that reservoir.

(5) Natural shall not expend any monies from the revolving exploration fund for use as an advance payment for natural gas.

(6) None of the gas found and produced as a result of the expenditures from the revolving exploration fund provided herein shall be eligible for certification under the optional procedures adopted by the Commission in Docket No. R-441, Order No. 455, issued August 3, 1972, and Order No. 455-A, issued September 8, 1972, 18 CFR § 2.75, nor shall the contract contain any indefinite pricing clause other than a Btu price adjustment; provided that this restriction shall apply only to Natural or an affiliate of Natural and shall not apply to any other party.

(7) Natural shall maintain accounting procedures as determined following conferences with the staff of the Commission which will permit identification and verification of receipts and expenditures of the revolving fund in compliance with this authorization.

(8) Within 90 days after the close of Natural's fiscal year, Natural shall report to the Commission on a yearly basis the results of Natural's transactions regarding the revolving fund in a form acceptable to the Commission.

(9) The rate of return that shall be used in computing the cost of service applicable to the pre-1969 leases for the purpose of computing the receipts to be placed into the revolving exploration fund pursuant to paragraph 2(a) above shall be the rate of return included in the cost of service underlying Natural's then effective rates at the time such rates were approved by the Commission and placed into effect.

(10) All natural gas reserves discovered or acquired as a result of the ex-

ploration activities financed under the revolving exploration fund shall be dedicated to service for Natural's customers and will be taken into Natural's system by the most feasible means.

(G) Within sixty (60) days of the issuance of this order, Natural shall inform this Commission that the revolving exploration fund authorized to be established by Ordering Paragraph (E), supra, has in fact been established and that the proposed exploration and development program has commenced.

(H) This proceeding is terminated except as may be necessary to conduct a review of the progress of the exploration and development program as set forth in Ordering Paragraph (F)(1), supra.

(I) The Secretary shall cause this order to be promptly published in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-16540 Filed 8-9-73;8:45 am]

[Docket Nos. CI73-715; CI73-722]

NORRIS OIL CO., ET AL.

Order Consolidating Proceedings Granting Interventions, and Fixing Date for Hearing

AUGUST 1, 1973.

The above-named Applicant has filed applications pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's general policy statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On April 5, 1973, Norris Oil Co., et al. (Norris) filed in Docket No. CI73-715 an application for certification pursuant to § 2.75 on sales to Southern Natural Gas Co. (Southern) from Logansport Field, De Soto Parish, North Louisiana, at an initial price of 48.5¢ per Mcf at 15.025 psia, with escalations of 1.0¢ each year for gas to be produced from all interest owned or subsequently acquired by Norris in the Logansport Field. Alternately, Norris seeks certification of this same sale through an amendment to a small producer certificate issued to Norris in Docket No. CS72-1081 on July 12, 1972, under the optional pricing procedure. The basic contract provides that Southern will reimburse Norris 1.5¢ of the Louisiana severance tax resulting in a total initial price of 50¢ per Mcf.

A notice of intervention was filed by the Public Service Commission for the State of New York, and timely petitions to intervene were filed by:

Associated Gas Distributors
Southern Natural Gas Co.

On April 30, 1973, Norris Oil Co., et al. (Norris) filed in Docket No. CI73-722 an application for certification pursuant to § 2.75 on sales to Southern Natural Gas Company (Southern) from the Grand Cane Field, DeSoto Parish, North Louisiana, at an initial price of 50.0¢ per Mcf at 15.025 psia, with escalations of 1.0¢ each year for gas, subject to upward Btu adjustments from 1030, and downward adjustments from 1000, and reimbursement of ⅞ of any new or additional taxes in excess of 3.3¢.

A notice of intervention was filed by the Public Service Commission for the State of New York, and timely petitions to intervene were filed by:

Associated Gas Distributors
Southern Natural Gas Co.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating these sales, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

Since these applications involve similar questions of law and fact as to the reasonableness of the prices for which certification is sought, the Commission concludes that the ultimate disposition of the above-described proceedings would be best accomplished in a consolidated proceeding. The Commission shall, therefore, consolidate these dockets for hearing and disposition.[5]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought.

No intervenor has questioned Southern's need for the additional natural gas supplies that will be available to it as a result of these purchases. However, we are unable to determine the extent of Southern's need for new supplies since it has failed to submit the certification required by § 275h (18 C.F.R. 275h). Accordingly, we shall require Southern to present evidence as to its need for additional supplies of natural gas and whether or not a comparable supply of natural gas is available to Southern at any rate lower than the rates proposed in these applications.

The Commission finds.

(1) It is necessary and in the public interest that the above-docketed proceeding be set for a formal hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding.

The Commission orders.

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), Docket Nos. CI73-715 and CI73-722 are consolidated for purposes of hearing and disposition.

(B) A public hearing on the issues presented by the applications herein shall be held commencing August 20, 1973, at 10 am (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Applicant and all intervenors supporting the applications shall file their direct testimony and evidence on or before August 10, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to these proceedings.

(E) The Commission Staff and all intervenors opposing the applications shall file their direct testimony and evidence on or before August 15, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(F) All rebuttal testimony and evidence shall be served on or before August 17, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(G) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however;* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene and *Provided, further;* That the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(H) The Administrative Law Judge's decision shall be rendered on or before September 7, 1973. All briefs on excep-

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[1] 15 U.S.C. § 717, et seq. (1970).
[2] 18 C.F.R. § 2.75.
[3] Statement Of Policy Relating To Optional Procedural For Certificating New Producer Sales of Natural Gas, Docket No. R-441, — P.P.C. — (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.)

[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., — F.P.C. —, — (issued May 30, 1973, slip op. at para. 21, p. 5).
[5] Opinion No. 659, slip op. at para. 11, p. 5.

tions shall be due on or before September 14, 1973, and replies thereto shall be due on or before September 21, 1973.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16560 Filed 8-9-73;8:45 am]

[Docket No. E-7867]

OHIO POWER CO.

Order Providing for Hearing and Establishing Procedures

AUGUST 1, 1973.

On December 4, 1972, Ohio Power Company (Ohio Power) tendered for filing proposed changes in its FPC Rate Schedule No. 18 which would increase Ohio Power's jurisdictional revenues by $951,065 annually. The changes primarily reflect increased demand and energy charges and a revised fuel adjustment clause.

Notice of the filing was issued on December 19, 1972, requiring petitions to intervene or protest by December 27, 1972. Timely petitions to intervene was filed jointly by Allied Chemical Corporation, Blaw Knox Company, Mobay Chemical Company, PPG Industries, Inc., and the Triangle Conduct and Cable Company (Allied, et al.). A notice of intervention was untimely filed by the West Virginia Public Service Commission. The petitioners for intervention have requested additional time to study the filing and submit pleadings. By order issued January 3, 1973, the Commission suspended the proposed increase until January 6, 1973, allowed Allied, et al., and the West Virginia Commission to intervene in the proceeding and requested that the parties (Intervenors and Staff) file offers of proof within thirty (30) days supporting their positions as to the lawfulness of the proposed rates to assist the Commission in determining whether a hearing is necessary in this proceeding. Ohio Power was allowed fifteen (15) days from the filing of those pleadings to answer. In addition, the January 3 order required Ohio Power to show cause why its fuel clause should not conform to Opinion No. 633.

Allied, et al., filed its Offer of Proof on February 1, 1973, stating inter alia, that Ohio Power supports its proposal only by "Company-wide" data, and offers no evidence of the justification for raising wholesale rates to only Wheeling Electric Company (Wheeling) and to no other customer. Allied believes a hearing is necessary to determine whether the increase to Ohio Power's affiliate, Wheeling, is unreasonably discriminatory because of the complete absence of arm-lengths bargaining and is necessary to test Ohio Power's claim that cost increases require this rate increase.

The staff upon motion to the Commission, was allowed until February 5, 1973, to file its Offer of Proof. The staff takes the position that the proposed increased rates are fully justified from a cost-of-service standpoint, states that it does not believe that it is necessary or in the public interest to sponsor an evidentiary case in its own behalf, and considers an evidentiary hearing inappropriate.

On February 12, 1973, the West Virginia Commission requested a hearing to be held in this proceeding asserting that this proceeding will have a drastic effect on a wheeling rate case currently pending before it.

Review of the Offers of Proof filed by Allied, *et al.*, and the staff indicates that they are insufficient on their face to be dispositive of the issues and insufficient to substantiate a finding that a hearing is unjustified. Accordingly, we will set this proceeding for hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

In response to the show cause part of our January 3, 1973, order, Ohio Power asserts that (1) it was not a party to the proceedings in New England Power Company, Docket No. E-7541, Opinion No. 633, issued October 30, 1972, (New England Power) and (2) there are significant differences between the facts and circumstances of this proceeding and the proceeding in New England Power. Ohio Power argues, inter alia, that the effect of applying a fuel clause such as approved in Opinion No. 633, may, under some conditions, actually make it in Ohio Power's economic interest to operate higher cost generation (recoverable through fuel clauses) rather than to purchase available lower cost energy (not recoverable through fuel clauses).

We find the assertions made therein cannot be summarily dismissed but raise questions that can only be resolved by the development of an evidentiary hearing record. Accordingly, we will also set the issue of the appropriate fuel clause for hearing.

The Commission finds.

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges including the proposed fuel adjustment clause contained in Ohio Power's FPC Rate Schedule No. 18 as proposed to be amended in this docket as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders.

(A) Pursuant to the authority of the Federal Power Act, particularly section 205 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held commencing with a prehearing conference at 10 a.m., e.d.t., on September 25, 1973, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Ohio Power's FPC Rate Schedule No. 18, as proposed to be amended, and with respect to the issue of an appropriate fuel clause for Ohio Power as raised by the assertions contained in Ohio Power's response to the Commission's order issued January 3, 1973, as discussed herein.

(B) At the prehearing conference on September 25, 1973, Ohio Power's prepared testimony with its entire rate filing as submitted and served on December 4, 1972, shall be admitted to the record as Ohio Power's complete case-in-chief subject to appropriate motions, if any, by the parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions and policy of § 1.18 of the Commission's rules of practice and procedure.

(C) On or before August 21, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on September 4, 1973. Any rebuttal evidence by Ohio Power shall be served on or before September 18, 1973. Cross-examination of the evidence filed will commence on October 2, 1973.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(F) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16546 Filed 8-9-73;8:45 am]

[Docket Nos. CI72-321; CI73-755]

PENNZOIL PRODUCING CO. AND MIDWEST OIL CORP.

Order Consolidating Proceedings, Granting Interventions, and Fixing Date for Hearing

AUGUST 2, 1973.

The above-named Applicants have filed an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's general policy statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in

[1] 15 U.S.C. 717, *et seq.* (1970).
[2] 18 CFR 2.75.

Order No. 455,[2] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On April 27, 1973, Pennzoil Producing Co. (Pennzoil) filed in Docket No. CI72-321 an application for a certificate of public convenience and necessity, or amendment of its present certificate, authorizing the sale of natural gas to Sea Robin Pipeline Co. (Sea Robin), an affiliate, pursuant to the optional certification procedure provided by § 2.75 of the Commission's general policy and interpretations. The subject gas would be produced from wells commenced after April 6, 1972, in Block 225, Ship Shoal Area, Louisiana (Offshore, Southern Louisiana Area), at an initial rate of 35 cents per Mcf with 2.5 cent per Mcf escalations every three years throughout the life of the contract term which expires September 1, 1991. Additionally, the basic contract with Sea Robin provides for 100 percent reimbursement of any new or additional taxes, downward and upward Btu adjustment from 1000 Btu per cubic feet, and an "area rate" type clause which is prohibited by paragraph (f) of Order No. 455.

A notice of intervention was filed by the Public Service Commission of the State of New York, and timely petitions to intervene were filed by:

Associated Gas Distributors
Mississippi River Transmission Corp.
American Public Gas Association
Sea Robin Pipeline Co.
United Gas Pipeline Co.

On May 7, 1973, Midwest Oil Corp. (Midwest) filed in Docket No. CI73-755 an application for a certificate of public convenience and necessity or amendment of its present certificate authorizing the sale of natural gas to Sea Robin Pipeline Co. (Sea Robin), pursuant to the optional certification procedure provided by § 2.75 of the Commission's general policy and interpretations. The subject gas would be produced from Block 225, Ship Shoal Area, Louisiana (Offshore, Southern Louisiana Area), at an initial rate of 35.0 cents per Mcf at 15.025 psia with 2.5 cent/Mcf escalations thereof every three years throughout its term which expires September 1, 1991. Additionally, the basic contract with Sea Robin provides for 100 percent reimbursement of any new or additional taxes, downward and upward Btu adjustment from 1000 Btu per cubic feet, and an "area rate" type clause which is prohibited by paragraph (f) of Order No. 455.

A notice of intervention was filed by the Public Service Commission for the State of New York, and timely petitions to intervene were filed by:

Associated Gas Distributors
United Gas Pipeline Co.
American Public Gas Association

[2] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, ----F.P.C.---- (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.).

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

Since these applications involve similar questions of law and fact as to the reasonableness of the prices for which certification is sought, the Commission concludes that the ultimate disposition of the above-described proceedings would be best accomplished in a consolidated proceeding. The Commission shall, therefore, consolidate these dockets for hearings and disposition.[5]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonablness of the rate sought.[6]

No intervenor has questioned Sea Robin's need for the additional natural gas supplies that will be available to it as a result of these purchases. However, we are unable to determine the extent of Sea Robin's need for new supplies since it has failed to submit the certification required by § 2.75h (18 CFR 2.75h). Accordingly, we shall require Sea Robin to present evidence as to its need for additional supplies of natural gas and whether or not a comparable supply of natural gas is available to Sea Robin at any rate lower than the rates proposed in these applications.

The Commission finds. (1) It is necessary and in the public interest that the above-docketed proceeding be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these proceedings.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I) Docket Nos. CI73-755 and CI72-321 are consolidated for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the proposals of the applicants herein shall be held commencing September 10, 1973, at 10 am. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. § 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before August 22, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(E) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before August 31, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(F) All rebuttal testimony and evidence shall be served on or before September 7, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before October 9, 1973. All briefs on exceptions shall be due on or before October 19, 1973, and replies thereto shall be due on or before October 26, 1973.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16562 Filed 8-9-73;8:45 am]

[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., —— F.P.C. ——, —— (issued May 30, 1973, slip op. at para. 21, p. 5).

[5] Opinion No. 659, slip op. at para. 11, p. 5.

[6] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

[Docket No. ID-1702]

PETER M. STERN

Notice of Application

AUGUST 3, 1973.

Take notice that the following application was filed on the 13th of June, 1973, pursuant to section 305(b) of the Federal Power Act, for authority to hold

the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 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 the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16543 Filed 8-9-73;8:45 am]

[Project No. 2161]

ST. REGIS PAPER CO.

Notice of Application for New License for Constructed Project

AUGUST 2, 1973.

Public notice is hereby given that application for new license has been filed on March 12, 1969, and supplemented on February 27, 1970, under the Federal Power Act (16 U.S.C. 791a–825r) by St. Regis Paper Co. (Correspondence to: Homer Crawford, Esquire, Secretary, St. Regis Paper Co., 150 East 42nd Street, New York, New York 10017), for its constructed Rhinelander Project No. 2161, located in Oneida County, Wisconsin, on the Wisconsin River in the region of Rhinelander and Towns of Pine Lake, Wisconsin and Newbold, Wisconsin. The project affects navigable waters and unpatented lands of the United States.

The existing Rhinelander Project operates as a supplier of energy for the Applicant's industrial operations, for lighting and auxiliary purposes when the Applicant's mill and steam generating plant are not in operation, and for power to start up the steam plant. The project consists of: (1) A 180-foot long earth dam with a concrete section containing two waste gates, (2) a 3576-acre reservoir with normal water surface elevation at 1555.33 feet (U.S.C.S.G.S. datum), (3) a concrete intake structure about 82 feet long at the head of the diversion canal containing 14 gates, (4) a canal about 965 feet long and about 60 feet wide, (5) a brick powerhouse containing two 560-kilowatt generating units, and one 1,000 kilowatt generating unit, and (6) other facilities appurtenant to the operation of the project.

According to the application: (1) The estimate of fair value is $2,200,000, (2) the estimated net investment is $326,238, and (3) the estimated severance damages in the event of "takeover" are $28,000,000.

The Applicant states that the project reservoir, Boom Lake, is heavily used for recreation. Although most of the shoreline is privately owned, the Applicant provides access to the Lake over those abutting lands that it owns. The Lake is used for swimming, boating, and fishing. No further development of the Project is contemplated at this time.

Any person desiring to be heard or to make protest with reference to said application should on or before September 27, 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 proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16566 Filed 8-9-73;8:45 am]

[Docket No. E-8052]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Filing of New Delivery Point

AUGUST 2, 1973.

Take notice that South Carolina Electric and Gas Co. (South Carolina) on June 8, 1973, filed "Delivery Point and Service Specifications" for the proposed delivery of power to Berkeley Electric Cooperative, Inc. at a new point of service near Jedburg, South Carolina. South Carolina estimates revenues under the service to be $125,511.50 for the first year of service.

South Carolina further states that service will be rendered in accordance with the Company's FPC Electric Tariff Original Volume No. 1 and Rate Schedule SR–2, currently in effect subject to refund in Docket No. E–8052.

The proposed date of initial service is July 15, 1973, and South Carolina states that they will notify the Commission when service commences.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16554 Filed 8-9-73;8:45 am]

[Docket No. RP73-100]

SYLVANIA CORP.

Pipeline Rates; Order Vacating Prior Order and Accepting for Filing and Suspending Proposed Increased Rates and Establishing Hearing Procedures

AUGUST 1, 1973.

The Sylvania Corporation (Sylvania) on July 2, 1973, tendered for filing Substitute Original Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. Sylvania maintains that the filing is necessitated by a mathematical error in its filing made April 26, 1973 in this same docket. Sylvania states that correction of the error produces an alleged revenue deficiency of $666,161 rather than the $338,069 deficiency claimed in the April 26, 1973 filing.[1] The filing was noticed, with comments, protests and/or petitions to intervene due on or before July 27, 1973.

By order issued in this docket on June 8, 1973 we suspended Sylvania's original filing one day, or until June 11, 1973.[2] Sylvania now requests that we waive our requirements under § 154.22 of our regulations under the Natural Gas Act and accept the Substitute Sheets for filing effective June 11, 1973.

We note that Sylvania is a small natural gas wholesaler and is not frequently before this Commission in pipeline rate cases. Therefore, we shall treat the filing of July 2, 1973, as an application for withdrawal of the April 26, 1973, filing as well as a filing for a proposed increase in rates and charges under section 4(e). Since Sylvania supports the proposed increase by reference to the cost and revenue data filed on April 26, 1973, we shall accept such data as being properly filed in support of Substitute Original Sheet No. 4.

We note that Sylvania has filed no supporting testimony and exhibits (Statement P) in this proceeding or with its April 26, 1973 filing. We shall, therefore, order Sylvania to file its Statement P not more than 15 days from the date of issuance of this order so that its filing may be complete.

Finally, since Sylvania's filing of July 2 constitutes a new filing of a proposed increase, we shall assign it a proposed effective date of 30 days after filing, or August 2, 1973, and we shall suspend the proposed increase one (1) day, or until August 3, 1973. Sylvania's request for

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[1] The filing is based on a test year ended December 31, 1972, as adjusted.

[2] This increase is currently subject to the price freeze.

waiver of § 154.22 of our Regulations will accordingly be denied.

Our review of the proposed increase indicates that certain issues are raised which may require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

The Commission finds. (1) Good cause exists to accept for filing Substitute Original Sheet No. 4 as set forth below and to permit Sylvania to withdraw its April 26, 1973, filing.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Sylvania's FPC Gas Tariff, as proposed to be amended herein, and that the tendered Substitute Original Sheet No. 4 described above be accepted for filing and suspended as hereinafter provided.

(4) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

The Commission orders. (A) Sylvania's filing of April 26, 1973, is hereby deemed withdrawn.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing shall be held commencing with a prehearing conference on October 30, 1973, at 10 a.m., e.s.t. in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Sylvania's FPC Gas Tariff, as proposed to be amended herein.

(C) Sylvania's request for waiver of § 154.22 of regulations under the Natural Gas Act is denied.

(D) Pending hearing and decision thereon Sylvania's Substitute Original Sheet No. 4 is accepted for filing and the use thereof is suspended until August 3, 1973, or such time it is made effective in the manner provided in the Natural Gas Act.

(E) This acceptance for filing is conditioned upon Sylvania filing its Statement (P) not more than 15 days from the issuance of this order.

(F) At the prehearing conference on October 30, 1973, Sylvania's prepared testimony (Statement P) together with its entire rate filing, shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. The testimony and exhibit of all other parties to this proceeding shall also be admitted to the record at this time. All parties will be expected to come to this conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice and procedures.

(G) On or before September 25, 1973, the Commission Staff shall serve its prepared testimony and exhibits. Any rebuttal evidence by Sylvania shall be served on or before October 19, 1973. The public hearing herein ordered shall convene on October 31, 1973, at 10 a.m., e.s.t.

(H) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) or by any Executive Order or rules and regulations promulgated pursuant to such Act.

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

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16546 Filed 8-9-73;8:45 am]

[Docket Nos. CP73-115 and CP74-27]

TENNESSEE GAS PIPELINE CO.

Order Granting Motions To Vacate, Issuing Order To Show Cause, Consolidating Proceedings, Setting Procedures for Hearing, and Granting Interventions

AUGUST 3, 1973.

On October 31, 1972, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) filed in Docket No. CP73-115, as supplemented February 12, 1973, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to enable Tennessee to meet the increased annual requirements of its customers under their respective presently authorized contract quantities commencing with the 1973-74 winter season, all as more fully set forth in the application as supplemented thereto in this proceeding.

After due notice by publication in the FEDERAL REGISTER on November 21, 1972 (37 FR 24791), we issued an order on May 1, 1973, granting a certificate of public convenience and necessity for the construction and operation of the proposed facilities and providing for hearing to decide: (1) whether a certificate of public convenience and necessity should issue for the increased annual sales of gas as proposed and; (2) whether a maximum annual limitation should be placed on each customer served by Applicant's system and, if so, the limitation to be established. Additionally, the order provides for the hearing to decide whether the increased annual sales of gas as proposed should be certificated based, inter alia, on end-use considerations. May 23, 1973, was set as the date for filing testimony and exhibits, and the hearing was to commence June 5, 1973. On motion by Tennessee, we postponed the above dates, setting July 10, 1973, as the date for filing testimony and evidence and July 24, 1973, as the date for hearing. On July 2, 1973, we further postponed the above dates to July 24, 1973, and August 8, 1973, respectively, and on July 17, 1973, all dates were suspended pending further action by us.

Applications for rehearing of our May 1, 1973, order were filed by Tennessee, Alabama-Tennessee Natural Gas Company (Alabama), and Central Hudson Gas & Electric Corporation (Central Hudson). On June 29, 1973, we granted rehearing for the purpose of reconsideration of our May 1, 1973, order.

Tennessee Natural Gas Lines, Inc. (Tennessee Natural) and Knoxville Utilities Board, et al. (Knoxville), filed responses in support of Tennessee's application for rehearing[1] and motions for vacating, upon rehearing, our May 1, 1973, order as to the "issue" of maximum annual volume requirements for each customer as being inconsistent with Commission Opinion No. 619 issued on May 19, 1972, in Docket No. RP71-6, et al. In their motions to vacate our May 1, 1973, order, they state, inter alia, that our notice of November 14, 1972, is insufficient in giving notice of the "issue" of what maximum annual volumetric requirements, if any, should be established for each customer served by Tennessee. Without exploring the other arguments raised by these motions to vacate, we believe that some customers of Tennessee may not have received sufficient notice of the "issue" raised by this application as noticed in the FEDERAL REGISTER on November 21, 1972 (37 FR 24791). We will, therefore, grant the motions to vacate the condition in our May 1, 1973 order requiring a hearing to be held on the above stated "issue". By this action, the following filings in this proceeding need not be considered further:

Application of Tennessee Gas Pipeline Company, a Division of Tenneco Inc., for Rehearing filed on May 31, 1973.

Application of Alabama-Tennessee Natural Gas Company for Rehearing filed on May 31, 1973.

Application of Central Hudson Gas & Electric Corporation for Rehearing filed on June 7, 1973.

Petition of the Berkshire Gas Company, *et al.*, for Clarification and Limitation of Issues and for Procedural Relief filed on June 11, 1973.

Motion of Knoxville Utilities Board, *et al.*, for Interpretative Order Fixing Procedure for Filing of Evidence filed on June 27, 1973.

Motion of Tennessee Natural Gas Lines, Inc., for Interpretative Order Fixing Procedure for Filing of Evidence filed on June 27, 1973.

Late petitions to intervene have been filed by the following:

Colonial Natural Gas Company on June 6, 1973.

Texas Gas Transmission Corporation on June 6, 1973.

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[1] On July 2, 1973, Knoxville filed a motion to permit its response to be substituted in lieu of a petition for rehearing.

Roanoke Gas Company on June 8, 1973.
Cabot Corporation on June 25, 1973.
Pennsylvania & Southern Gas Company on June 25, 1973.
North Penn Gas Company on June 26, 1973.
Long Island Lighting Company on July 2, 1973.
Elizabethtown Gas Company on July 3, 1973.
Mobil Chemical Company, a Division of Mobil Oil Corporation, on July 16, 1973.
Peoples Gas Light and Coke Company on July 23, 1973.

A late notice of intervention was filed by the Tennessee Public Service Commission on May 31, 1973, wherein it states that it felt compelled to intervene only after issuance of our May 1, 1973, order.

We believe that good cause exists to permit intervention of the above petitioners inasmuch as no undue delay will result.

The expansion of Tennessee's facilities certificated by us in the May 1, 1973, order involves increased volumes of gas to be sold to its customers under existing contracts. In this time of gas shortage, the public interest requires that we carefully assess any increase in deliveries of gas. We will therefore issue an order in Docket No. CP74–27 requiring Tennessee to show cause why a maximum annual volumetric requirement should not be established for each customer on Tennessee's system for deliveries of gas in excess of its 1972–73 requirement, or, in the alternative, its 1973–74 requirement, and, if appropriate, what requirement should be established for each. The term "1972–73 requirement" means the volumes required by Tennessee's customers in 1972–73, assuming that design temperatures had prevailed and that the year-end customers had been attached and served during the entire calendar year, i.e., those volumes shown at Exhibit Z–1, pp. 1–6, column 6, in Docket No. CP72–127.

The Commission notes the interrelationship between the issue remaining in Docket No. CP73–115, i.e., whether the increased annual sales of gas as proposed should be certificated based, inter alia, on end-use considerations, and the issues presented in this show cause proceeding in Docket No. CP74–27 and concludes that their ultimate disposition would best be accomplished in a consolidated proceeding. Therefore, we shall consolidate these proceedings for hearing and disposition.

Any person wishing to become a party to the show cause proceeding hereinafter ordered may do so by filing a petition to intervene on or before August 23, 1973. All parties heretofore permitted to intervene in Docket No. CP73–115 shall be deemed to be intervenors in the show cause proceeding, Docket No. CP74–27.

The Commission finds:

(1) The motions of Tennessee Natural Gas Lines, Inc. and Knoxville Utilities Board, et al., to vacate that part of our May 1, 1973, order requiring a hearing to determine whether maximum annual volumetric requirements for each customer should be established and, if so, the limitation to be established should be granted.

(2) Good cause exists to allow the above-named petitioners to intervene.

(3) It is appropriate in the administration of the Natural Gas Act that the Commission enter upon a hearing at which Tennessee Gas Pipeline Company should show cause why maximum annual volumetric requirements should not be established for each customer on Tennessee's system for deliveries of gas in excess of its 1972–73 or, in the alternative, its 1973–74 requirements, and, if appropriate, what requirement should be established for each customer.

(4) It is necessary and in the public interest that the above-docketed proceedings be consolidated for hearing and decision.

The Commission orders:

(A) The motions of Tennessee Natural Gas Lines, Inc. and Knoxville Utilities Board, et al. to vacate that part of our May 1, 1973, order requiring hearing in Docket No. CP73–115 on the above described "issue" is hereby granted. In all other respects, our May 1, 1973, order is confirmed.

(B) The above-designated matters in Docket Nos. CP73–115 and CP74–27 are hereby consolidated for purposes of hearing and disposition.

(C) The above-named petitioners are permitted to intervene in this consolidated proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding. All parties heretofore permitted to intervene in the Docket No. CP73–115 proceeding are deemed to be intervenors in the show cause proceeding, Docket No. CP74–27.

(D) Pursuant to the authority, and in order to effectuate the purposes, of the Natural Gas Act (particularly sections 5, 7, 14 and 16), Tennessee Gas Pipeline Company is hereby ordered to appear at a public hearing and to show cause: (1) Why maximum annual volumetric requirements should not be established for each customer on Tennessee's system for deliveries of gas in excess of its 1972–73 requirements, and, if appropriate, what requirement should be established for each customer; or, in the alternative, (2) why maximum annual volumetric requirements should not be established for each customer on Tennessee's system for deliveries of gas in excess of its 1973–74 requirements, and, if appropriate, what requirement should be established for each customer.

(E) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing on October 16, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20002, on the issues raised by the show cause order issued herein in Docket No. CP74–27 to Tennessee Gas Pipeline Company and on the remaining issues raised in Docket No. CP73–115.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this consolidated proceeding pursuant to the Commission's rules of practice and procedure.

(G) The direct case of Tennessee Gas Pipeline Company, in accordance with the show cause order issued herein and the remaining issues raised in Docket No. CP73–115, shall be filed and served on all parties, the Presiding Administrative Law Judge, and the Commission staff on or before September 20, 1973. Additionally, each customer desiring to submit testimony and/or exhibits on the issues raised by this consolidated proceeding shall file and serve on all parties its direct evidence on or before September 20, 1973.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73–16541 Filed 8–9–73;8:45 am]

[Docket Nos. CP73–48, etc.]

TENNESSEE GAS PIPELINE CO. ET AL.

Order Clarifying and Modifying Previous Order

AUGUST 2, 1973.

In the matter of Tennessee Gas Pipeline Co., a Division of Tenneco Inc. Columbia Gulf Transmission Co., CP73–48; Tennessee Gas Pipeline Co., a Division of Tenneco Inc. Columbia Gulf Transmission Co., CP72–114; Columbia Gulf Transmission Co., CP73–71; Phillips Petroleum Co., CI73–408; Union Texas Petroleum, a Division of Allied Chemical Corp., CI73–343, Skelly Oil Co., CI73–428.

On July 3, 1973, The Public Service Commission for the State of New York (New York) filed a Petition for Clarification or Rehearing of the Commission's order issued in this proceeding on June 7, 1973. On July 9, 1973, Tennessee Gas Pipeline Company (Tennessee) filed an application for Rehearing and/or Reconsideration and Clarification of the Commission's order.

Specifically, New York seeks Commission clarification of ordering paragraphs (D)(4) and (E)(4). Ordering paragraph (D)(4) reads as follows: "In the event that the producers exercise their right to have Columbia Gulf transport gas reserved for their own use, Columbia Gulf will file a certificate application for authorization to transport gas." Ordering paragraph (E)(4) reads as follows: "That in the event Phillips, Union Texas and Skelly exercise their right to receive up to 25 percent of the average daily quantity of gas produced, it will be nec-

essary to submit proposed rate schedule supplements, at least 30 days prior to the effective dates, notifying the Commission that the option has been exercised and setting forth the conditions and details of the contemplated action."

In its petition for clarification New York expresses concern that read together those two paragraphs could be taken to authorize the producers to exercise their contractual options to have portions of the gas reserves transported by the pipeline for redelivery for their own use by filing a rate supplement prior to final Commission action upon the pipeline's certificate application to transport the gas. Our order, however, requires the pipelines to file certificate applications when the producers exercise their contractual options to receive gas delivered for their own use. As we stated in our order (mimeo, pp. 8 and 10), the certificates issued should make the following provisions: "advise Columbia and Tennessee that it will be necessary to file a certificate application for authorization to transport gas for Phillips should Phillips exercise its option".

Petitioner Tennessee seeks clarification of ordering paragraphs (A)(3) and (A)(4), which are among the conditions imposed upon the Commission's granting a certificate of public convenience and necessity to Tennessee and Columbia Gulf Transmission Company (Columbia Gulf). Ordering paragraphs (A)(3) and (A)(4) read as follows: "(3) An appropriate portion of the proposed facilities will not be included in the rate base of Tennessee and Columbia Gulf in any future rate proceeding in the event the facilities are not fully used or are not useful. (4) In the event that the producers exercise their right to have Tennessee and Columbia Gulf transport gas reserved for their own use, Columbia Gulf and Tennessee will file a certificate application for authorization to transport gas."

In its application, Tennessee correctly states that ordering paragraphs (A)(3) and (A)(4) should be revised to delete any reference to Tennessee, since its contractual agreements with its suppliers in this proceedings, Texaco Inc. and Tenneco Oil Company, do not provide for any arrangement whereby the suppliers hold options to have their retained reserves transported by Tennessee in contrast to the arrangement Columbia Gulf has with its suppliers in this proceeding. Accordingly, our order should be modified to delete all reference to Tennessee from ordering paragraphs (A)(3) and (A)(4).

The Commission orders: (A) Our order of June 7, 1973, is modified by deleting ordering paragraphs (A)(3) and (A)(4) and substituting the following paragraphs:

(A)(3) An appropriate portion of the proposed facilities will not be included in the rate base of Columbia Gulf in any future rate proceeding in the event the facilities are not fully used or are not useful.

(A)(4) In the event that the producers exercise their right to have Columbia Gulf transport gas reserved for their own use, Columbia Gulf will file a certificate application for authorization to transport gas."

(B) Except as modified above and as clarified, our order of June 7, 1973, remains in full force and effect.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16563 Filed 8-9-73;8:45 am]

[Docket Nos. RP71-130; RP72-58; CP73-310; and CP73-311]

TEXAS EASTERN TRANSMISSION CORP.

Order Dismissing Proceedings for Mootness, Granting Interventions Providing for Hearing, and Establishing Procedures

AUGUST 1, 1973.

On April 27, 1973, the Town of Smyrna, Tennessee (Smyrna) filed with the Commission in Docket No. CP73-310, a petition for emergency relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure, 18 CFR 1.7(b), and pursuant to the Commission's Order Denying Rehearing and Stay issued January 24, 1973,[1] Smyrna requested an increase of 20,307 Mcf of natural gas in its annual allotment from its sole supplier, Texas Eastern Transmission Corp. (TETCO). On June 11, 1973, Smyrna amended its petition asking for a further increase in its annual allotment. Smyrna now requests that its entitlement be increased by 35,000 Mcf for the twelve months ending August 31, 1973.

On April 27, 1973, the Town of Utica, Mississippi (Utica) filed in Docket No. CP73-311 a petition for emergency relief similar to that of Smyrna. Utica asks for an increased allotment of 10,653 Mcf for the twelve months ending August 31, 1973.

On June 13, 1973, the City of Huntingburg, Indiana (Huntingburg) filed in Docket Nos. RP71-130 and RP72-58 a petition for emergency relief similar to that of Smyrna and Utica. Huntingburg asks for an increased allotment of at least 10,000 Mcf for the twelve months ending August 31, 1973.

TETCO is the sole supplier of natural gas for Smyrna, Utica, and Huntingburg. Because of the national shortage of natural gas, TETCO has been forced to curtail deliveries to its customers. On December 1, 1972, the Commission approved a Stipulation and Agreement establishing the annual allotments for TETCO's customers, including the three petitioners herein. Present entitlements together with emergency requests and annual contract quantities are as follows:

Petitioner	Current entitlement	Increase	Requested entitlement	Contract [2]
	Mcf 15.025 p.s.i.a.			
Smyrna [3]	156,828	35,000	191,828	505,800
Utica	57,800	10,653	68,453	208,050
Huntingburg	423,722	10,000	433,722	973,090

[2] 365 times the daily contract demand prior to the onset of curtailment.

Petitioners submit that the annual entitlements calculated for them under the Stipulation and Agreement are not sufficient to serve the requirements of their existing customers until August 31, 1973, when the annual entitlements expire. All petitioners state that unless they are granted increased entitlements, they will either have to terminate service to existing customers who fall mostly in the residential and commercial category or incur penalty charges [4] of a magnitude that would virtually bankrupt their small system.

Each petitioner states that the majority of its customers are residential and small commercial (less than 50 Mcf on a peak day), and thus fall into priority-of-service category (1) established by the Commission Order 467-B, of March 2, 1973, Docket No. 469. Smyrna states that it has only three customers which could not be classified residential or small commercial—Smyrna High School, Tennessee Farmers Coop, and the Lane Company; Utica only three customers—Utica Junior College, Movie Star and Kitchen Bros.; and Huntingburg only five customers—Saint Joseph's Hospital, Southridge High School, Southwest DuBois Middle School, Huntingburg Brick Company and Food Concepts, Inc.

TETCO filed an answer to Huntingburg's petition on July 6, 1973. TETCO neither supports or objects to Huntingburg's request for relief.

Both Smyrna and Utica state that their current annual entitlements of 156,828 Mcf and 57,800 Mcf, respectively, were exhausted during the month of May, 1973.

On June 1, and June 8, 1973, the Town of Franklin Tennessee (Franklin) notified the Commission of the commencement of the emergency sale of natural gas to Smyrna and Utica, respectively, pursuant to the terms of § 2.68 of the Commission's rules of practice and procedure. On July 17, 1973, Smyrna, Utica, and Franklin filed petitions requesting a waiver of the 60 day limitation imposed by § 2.68 of the Commission's rules of practice and procedure in order to continue the emergency sale of Natural gas through August 31, 1973. The Commission approved said petition on July 25, 1973, and stated that Franklin's exempt status under section one of the Natural Gas Act is not jeopardized.

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[1] The Order Denying Rehearing and Stay was issued in Docket Nos. RP71-130 and RP72-58.

[4] The Stipulation and Agreement approved by the Commission provides for a charge of $3.00 per Mcf for all gas taken in excess of this annual entitlement.

Franklin states that it has surplus gas available due to the temporary shutdown of one of its customers. Through June 30, 1973, Franklin has transferred 11,574 Mcf to Smyrna and 1,842 Mcf to Utica out of original requests of 35,000 Mcf and 10,000 Mcf, respectively. Texas Eastern has agreed to deliver the gas to Smyrna and Utica without any transportation charge. Franklin will be reimbursed by Smyrna and Utica at the effective rate of the applicable rate schedule of their mutual supplier, Texas Eastern.

Approval of the petition filed on July 17, 1973, effectively moots the petitions for emergency relief filed by Smyrna and Utica in Docket Nos. CP73–310 and CP73–311 by assuring the Towns of an adequate gas supply through August 31, 1973.

On June 11, 1973, Algonquin Gas Transmission Co. (Algonquin) filed petitions for leave to intervene opposing grant of the relief requested in Docket Nos. CP73–310 and CP73–311. Algonquin states that it appears that the entitlements of Smyrna and Utica are insufficient because of the expansion of service by these customers. Algonquin feels that it is not equitable to allow some customers of Texas Eastern to grow while Algonquin and its customers are forced ot incur substantial expenses to supplement their gas supply from other sources. On July 6, 1973, Algonquin filed a petition to intervene in Docket Nos. RP71–130 and RP72–58.

On July 6, 1973, Columbia Gas Transmission Corp. (Columbia) filed petitions to intervene in Docket Nos. RP71–130, RP72–58 and CP73–310. Columbia, a large customer of TETCO, requests a formal hearing.

An untimely petition to intervene was filed in Docket No. CP73–311 on July 20, 1973, by Indiana Gas Co., Inc. (Indiana), a large customer of TETCO. Indiana did not request a formal hearing. On July 9, 1973, Indiana filed a petition to intervene in Docket Nos. RP71–130 and RP72–58, requesting a formal hearing.

On July 2, 1973, Brooklyn Union Gas Co. (Brooklyn Union), a large customer of TETCO filed an untimely petition to intervene in Docket No. CP73–311. Brooklyn Union requests a formal hearing.[4]

The cases in Docket Nos. RP71–130 and RP72–53 include issues which arose in earlier proceedings and are not material to the three petitions considered herein. Parties who have previously intervened in Docket Nos. RP71–130 or RP72–58 will be permitted to intervene in these consolidated proceedings so long as their participation is limited to matters raised in the petition for emergency relief which is the basis for the hearings provided for in this order.

The Commission finds. (1) Good cause exists to dismiss the proceedings in Docket Nos. CP73–310 and CP73–311 for mootness.

(2) Good cause exists to set the proceedings in Docket Nos. RP71–130 and RP72–58 for formal hearing, and to establish procedures for that hearing.

(3) The participation of each party which has petitioned to intervene in Docket Nos. RP71–130 and RP72–58 will neither hinder nor delay the conduct of these proceedings.

The Commission orders. (A) The proceedings in Docket Nos. CP73–310 and CP73–311 are dismissed as moot.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on August 27, 1973 at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the public interest issues involved in the consolidated proceeding, Docket Nos. RP71–130 and RP72–58.

(C) On or before August 14, 1973, petitioner and all parties supporting petitioner's request shall serve with the Commission and upon all other parties including Commission Staff to the proceeding their testimony and exhibits in support of their position.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose, shall preside at the hearing in this consolidated proceeding and shall prescribe relevant procedural matters not herein provided.

(E) Algonquin, Columbia and Indiana, are hereby permitted to intervene in this proceeding, subject to the Rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16559 Filed 8–9–73;8:45 am]

[4] The Public Service Commission for the State of New York (PSCNY) which intervened in Docket Nos. RP71–130 and RP72–58 on January 24, 1971, filed with this Commission on July 6, 1973, a statement conditionally supporting Huntingburg's position. PSCNY has not requested a formal hearing in this matter. The Tennessee Public Service Commission, which is not an intervenor in these proceedings filed a statement on June 11, 1973, supporting Smyrna's petition.

[Docket No. RP72–64]

TEXAS GAS TRANSMISSION CORP.

Notice of Extension of Time

AUGUST 3, 1973.

Louisville Gas and Electric Co., Southern Indiana Gas and Electric Co. and Western Kentucky Gas Co. filed motions on July 26, 1973 and July 30, 1973 respectively, for an extension of the procedural dates. On August 1, 1973, General Motors filed an answer in support of the motion of Louisville Gas and Electric Co. By notice issued July 16, 1973, the time was extended to and including November 5, 1973, within which end-use data was to be submitted by Texas Gas Transmission Corp.

Upon consideration, notice is hereby given that the other procedural dates are modified accordingly:

Texas Gas and Intervenor, cases-in-chief, December 5, 1973.
Prehearing Conference, December 18, 1973, (10 am, e.s.t.)
Answering testimony, January 14, 1974.
Hearing, February 5, 1974, (10 am, e.s.t.)

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16557 Filed 8–9–73;8:45 am]

[Docket No. RP73–101]

TRANSWESTERN PIPELINE CO.

Order Denying Rehearing and Reconsideration, Instituting Complaint Proceeding, and Establishing Procedures

AUGUST 1, 1973.

By order issued May 31, 1973, the Commission, inter alia, accepted for filing tariff sheets, tendered by Transwestern Pipeline Co. (Transwestern),[1] and established procedures for the filing of end-use data.[2] Applications for rehearing were filed on July 2, 1973, by Pacific Lighting Service Co. (PLSC), Southern California Gas Co. (SoCal), and the People of the State of California and the Public Utilities Commission of the State of California (California). On July 13, 1973, and July 25, 1973, San Diego Gas & Electric Co. (San Diego) and Southern California Edison Co. (Edison) respectively filed a motion requesting permission to file an application for rehearing out-of-time and attached the application to its motion.[3]

In their applications for rehearing, Petitioners urge reconsideration of our acceptance of Transwestern's proposed curtailment plan and, upon reconsideration, instituting a hearing under section 4 of the Natural Gas Act to determine the lawfulness of that plan. While Petitioners broadly allege the impropriety of the order of priorities established by Transwestern's filing, their concern appears to be directed more to their position on the priority scale than urging the impropriety of the priorities themselves. For example, PLSC, SoCal, and San Diego allege that a section 4

[1] The tariff sheets contained Transwestern's proposed curtailment plan reflecting priorities for service during curtailment consistent with our Statement of Policy issued in Docket No. R–469.

[2] By notice issued July 11, 1973, the time for filings the data was extended to September 24, 1973.

[3] We will grant the motions since such action will neither delay the determination of this proceeding nor adversely affect any party to this proceeding. However, the finding will be accepted and treated as motions for reconsideration.

hearing is necessary to determine that the priorities "are appropriate and nondiscriminatory" (p. 4). They then argue that the application of those priorities may be unlawful against Transwestern's California customers, who are required under the regulations of the California Public Utilities Commission to provide only interruptible service to industrial consumers in excess of 200 Mcf per day. California, on the other hand, urges rehearing on the basis, inter alia, of the need to expand priority (2) to include interruptible sales (p. 7) and the need for considering storage and partial requirements customers in formulating the curtailment plan (pp. 8–9), while also urging the possible discrimination of the priority list on the California customers based on its "interruptible" requirement (pp. 4–6). Accordingly, the need to initiate a section 4 hearing to determine the lawfulness of the priorities per se has not been demonstrated.

The application for rehearing filed by California, unlike the joint application of PLSC and So Cal, does not state that a hearing under section 5 of the Act is not requested. The pleadings present issues that, in our judgement, should be adjudicated on the basis of an evidentiary record. Accordingly, we will consider the application filed by California as a complaint filed under section 5 and order a hearing thereon, wherein California, as complainant may have the opportunity to present evidence to sustain its burden of showing that; (a) the plan unduly discriminates against California customers.

(b) Priority (2) should be enlarged to include interruptible service, and (c) the list of priorities should be modified to include consideration for customers who have storage facilities and for partial requirements customers.[4]

The Commission finds. (1) Good cause exists to grant San Diego's and Edison's motions and permit them to file an application for rehearing out-of-time which will be treated as motions for reconsideration.

(2) The assignments of error and grounds for rehearing set forth in the applications for rehearing and motions for reconsideration of our May 31, 1973, order issued in this proceeding present no new facts or principals of law which were not considered by the Commission when it issued its order or which having now been considered warrant any change in said order.

(3) It is necessary and proper for the purpose of carrying out the provisions of the Natural Gas Act that California's application for rehearing be treated as a complaint filed under section 5 of the Natural Gas Act and that a hearing be initiated and the procedures established for the hearing, all as hereinafter ordered.

The Commission orders. (A) The motions filed by San Diego and Edison on July 13, 1973 and July 25, 1973, respectively requesting permission to file an application for rehearing out-of-time is hereby granted.

(B) The applications for rehearing filed in this proceeding by PLSC, So Cal, and California, are hereby denied. The applications for rehearing and treated as motions for reconsideration filed by San Diego and Edison are hereby denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15, and 16 thereof, a hearing on the complaint filed by California shall be convened concerning the issues of why Transwestern's California customers should not adhere to the list of curtailment priorities set forth in Transwestern's tariff, why priority (2) in that list should be modified to include interruptible service, and why the list of priorities should be modified to include consideration for customers who have storage facilities and for partial requirements customers.

(D) Answers and responses to the complaint under § 1.6(a) of our rules of practice and procedure, are hereby waived, without prejudice.

(E) As established by our notice of July 11, 1973, Transwestern shall serve its end-use data on all parties in this proceeding including Commission staff, on or before September 24, 1973. California and parties in support of California's stated contentions shall serve their cases-in chief in response to ordering paragraph (C) above on all parties to this proceeding including Commission staff, on or before October 25, 1973.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred on the Federal Power Commission by the Natural Gas Act, particularly section 5, 14, 15, and 16 thereof, and pursuant to the Commission's rules of practice and procedure and the Regulations under the Natural Gas Act, a public hearing shall be convened on November 19, 1973, at 10 am (e.s.t.) at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the issues involved in the proceeding initiated in ordering paragraph (C) above.

(G) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearings in this proceeding, and shall prescribe relevant procedural matters not herein provided.

(H) Notices of intervention and petitions to intervene in the complaint proceeding may be filed with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 30, 1973, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16564 Filed 8-9-73;8:45 am]

[4] California's further argument on the application of the Natural Environmental Policy Act in curtailment proceedings was refuted by the Commission in its order issued August 22, 1972, in El Paso Natural Gas Company, Docket No. RP72-6.

[Docket No. CP74-24]

TRANSWESTERN PIPELINE CO. AND NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 1, 1973.

Take notice that on July 25, 1973, Transwestern Pipeline Co. (Transwestern), P.O. Box 2521, Houston, Texas 77001, and Northern Natural Gas Co. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-24 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and appurtenant facilities and the transportation and processing of raw gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Northern has quantities of raw gas in excess of the present treating capacity at its Lockridge Plant and that Transwestern has periodic excess capacity at its Pyote Treating Plant, all located in Ward County, Texas. It is proposed that Transwestern receive at a new point of interconnection on the Worsham 10-inch pipeline volumes of raw gas from Northern for treatment on a best efforts basis. Transwestern would then redeliver residue gas in quantities equivalent to 96 percent of the amount of delivered raw gas to Northern at a delivery point on the West 21-inch pipeline in Ward County. Northern would be charged 2.0 cents per Mcf of the residue gas redelivered to it. Applicants' state that any variances in deliveries and redeliveries would be balanced as soon as practicable.

To facilitate the proposed treatment and transportation of gas, Northern proposes to construct, operate and own approximately 600 feet of 8-inch pipeline and appurtenant metering and regulating facilities and to reimburse Transwestern for the cost of any new facilities necessary for the proposed transportation and treatment of gas. Applicants estimate the total cost of the proposed facilities to be $51,000 which Northern would finance from available funds.

The purpose of this proposal is to make additional volumes of gas available to Northern during the upcoming heating season which otherwise would not be available.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the Protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16561 Filed 8-9-73;8:45 am]

[Docket No. CP74-18]

UNITED GAS PIPE LINE CO.

Notice Denying Request To Reset Date of Prehearing Conference

AUGUST 3, 1973.

On July 31, 1973, United Gas Pipe Line Company filed a motion to reset the date of the prehearing conference in the above designated matter. The prehearing conference was scheduled for August 6, 1973, by order issued July 20, 1973.

Upon consideration, notice is hereby given that the above motion is denied.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16544 Filed 8-9-73;8:45 am]

[Project No. 108—Wisconsin]

NORTHERN STATES POWER CO.

Notice of Availability of Environmental Statement for Inspection

Notice is hereby given that on August 2, 1973, as required by the Commission rules and regulations under Order 415-C, issued December 18, 1972, a final environmental statement prepared by the Commission's staff pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-100) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impact of an application for a new major license filed pursuant to the Federal Power Act for Chippewa Reservoir Project No. 108 located on the Chippewa River in Sawyer County, Wis. The original license for the project expired on August 7, 1971, and the project is presently being operated under an annual license. The project is located partly on Tribal lands of the Lac Court Orielles Indian Reservation and lands of the United States.

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and its Chicago Regional Office. Copies of this statement are being provided to interested Federal, Regional, State, and local Agencies, and to all parties of record in the proceeding. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Chippewa Reservoir Project consists of: (1) A dam about 1,290 feet long and about 45 feet high (2) Chippewa Reservoir which impounds 223,000 acre-feet of useable storage capacity with about 15,800 acres of water surface area at normal full pool elevation 1313.0 (m.s.l.); and (3) all other facilities and interests appurtenant to operation of the project.

Chippewa Reservoir is a storage reservoir, impounded primarily for regulation of the flow of the Chippewa River for downstream hydroelectric power production. There are no generating facilities at the project.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16581 Filed 8-9-73;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-50]

SHIPPING COORDINATING COMMITTEE

Notice of Meeting

A meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Friday, September 7, 1973 in Room 7200, Coast Guard Headquarters, 400 Seventh Street, SW., Washington, D.C. The meeting will be open to the public.

The meeting will consider preparations for the 28th session of the IMCO Maritime Safety Committee, scheduled to meet in London, September 17-21.

For further information on the subject matter of the meeting, contact Mr. Richard K. Bank, Executive Secretary, Shipping Coordinating Committee, Department of State, Washington, D.C. 20520, telephone (area code 202) 632-0704.

RICHARD K. BANK,
Executive Secretary, Shipping Coordinating Committee.

AUGUST 2, 1973.

[FR Doc.73-16604 Filed 8-9-73;8:45 am]

[Public Notice CM-49]

STUDY GROUP 5 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 5 of the U.S. National Committee for the International Radio Consultative Committe (CCIR) will meet on August 20, 1973, in Room 1103, Radio Building, Department of Commerce Laboratories, Boulder, Colorado. The meeting will be held in two sessions commencing at 3:00 p.m. and 7:00 p.m., respectively.

Study Group 5 deals with matters relating to the propagation of radio waves (including radio noise) at the surface of the earth, through the non-ionized regions of the earth's atmosphere, and in space where the effect of ionization is negligible. The meeting on August 20 will consider new draft texts which are proposed as U.S. contributions to the International meeting of Study Group 5 in 1974.

Members of the general public who desire to attend the meeting on August 20 will be admitted up to the limits of the capacity of the meeting room.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

AUGUST 3, 1973.

[FR Doc.73-16603 Filed 8-9-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

METAL PUNCHING MACHINES, SINGLE-END TYPE, MANUALLY OPERATED, FROM JAPAN

Antidumping; Withholding of Appraisement Notice

AUGUST 6, 1973.

Information was received on January 23, 1973, that metal punching machines, single-end type, manually operated, from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of February 26, 1973, on page 5195. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of metal punching machines, single-end type, manually operated, from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. Information currently before the U.S. Customs Service tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price will probably be calculated on the basis of a c.i.f. price, with deductions for inland freight, forwarding fees, ocean freight and marine insurance.

Home market price will probably be calculated on the basis of a delivered price with deductions for inland freight and delivery charges. Adjustments probably will be made for testing and after-sales service, customer training, differences in the merchandise and in packing.

as appropriate. Adjustments probably will also be made for differences in the level of trade, as appropriate.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of metal punching machines, single-end type, manually operated, from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office on or before August 20, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before September 10, 1973.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-16578 Filed 8-9-73;8:45 am]

UPHOLSTERY SPRING WIRE OF COILING AND KNOTTING QUALITY FROM JAPAN

Tentative Discontinuance of Antidumping Investigation

AUGUST 6, 1973.

Information was received on March 12, 1973, that upholstery spring wire of coiling and knotting quality from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 12, 1973, on page 9242.

I hereby announce a tentative discontinuance of the antidumping investigation concerning upholstery spring wire of coiling and knotting quality from Japan.

Statement of reasons on which this notice of tentative discontinuance of antidumping investigation is based. All known Japanese exporters of upholstery spring wire of coiling and knotting quality have furnished formal assurances that they have terminated sales to the United States, and that sales shall not be resumed.

The facts recited above constitute evidence warranting the discontinuance of this investigation.

Interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office on or before August 20, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before September 10, 1973.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraphs, a final notice will be published discontinuing the investigation.

This notice of tentative discontinuance of antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-16579 Filed 8-9-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD AEROSPACE VEHICLES PANEL

Notice of Meeting

AUGUST 8, 1973.

The USAF Scientific Advisory Board Aerospace Vehicles Panel will hold a closed meeting on August 21, 1973, from 8:30 a.m. until 4:30 p.m., at the Pentagon, Washington, D.C.

The Panel will hold classified discussions on new aeronautical test facilities with regard to weapon systems development.

For further information on this meeting, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

JOHN W. FAHRNEY,
Colonel, USAF Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-16528 Filed 8-9-73;8:45 am]

Office of the Secretary

ARMY AND AIR FORCE EXCHANGE AND MOTION PICTURE SERVICES; CIVILIAN ADVISORY COMMITTEE

Notice of Meeting

AUGUST 8, 1973.

The meeting of the Civilian Advisory Committee which was to be held on August 22, 1973 as published in 38FR19702-July 23, 1973, will instead be held on August 21, 1973, at the same location.

HENRY A. SOUBRICAS,
Deputy Executive Secretary AAFEMPS.

[FR Doc.73-16527 Filed 8-9-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

STATE DIRECTORS AND BLM DIRECTORS—BIFC

Delegation of Authority

Delegation of authority Bureau of Land Management, Associate Director, delegates procurement authority to State Directors and BLM Director-BIFC (excluding the Director-Eastern States Office)—effective on August 10, 1973. State Directors and BLM Director-BIFC (excluding the Director-Eastern States Office).

1. Negotiated contracts may enter into contracts pursuant to section 302(c)(2) of the Federal Property and Administrative Services Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds $2,500.

2. Open market purchases may enter into contracts pursuant to section 302(c)(3) of the Federal Property and Administrative Services Act, for supplies, services, and rental of equipment and aircraft not to exceed $2,500 per transaction; and for construction not to exceed $2,000 per transaction; provided that the requirement is not available from established sources of supply.

3. Established sources of supply may procure supplies and services available from established sources of supply regardless of amount.

4. Capitalized property may enter into contracts, under authority of subparagraphs 1, 2, or 3 above, as appropriate, for purchase of capitalized property.

If the purchase is to be charged to fire suppression funds, or if the item is not included in an approved equipment budget, prior approval of purchase by the Assistant Director, Administration is required. This authority may be exercised only in a true emergency situation such as for immediate use in suppression of active fires and delivery for use on that fire is attainable.

The authority granted above may be redelegated.

GEORGE L. TURCOTT,
Associate Director.

AUGUST 3, 1973.

[FR Doc.73-16605 Filed 8-9-73;8:45 am]

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Notice of Meeting

Notice is hereby given that the Advisory Committee on Coal Mine Safety

Research will meet on August 21 and 22, 1973, commencing at 9:00 a.m. on August 21 and 10:00 a.m. on August 22, 1973, in Room 5160, Department of the Interior, 18th and C Streets, NW, Washington, D.C. The purpose of the Committee is to consult with and to make recommendations to the Secretary on matters involving or relating to coal mine safety research. The meeting will be open to the public, except for an Executive Session commencing at 1:00 p.m. on August 21 and 2:30 p.m. on August 22 at which there will be considered proposed research contracts which contain commercial or financial information which is privileged or confidential matter under 5 U.S.C. 552(b)(4). Persons desiring further information concerning this meeting may contact Dr. Earl T. Hayes, Department of the Interior, Bureau of Mines, Room 3610, Telephone (202) 343-5643.

The agenda of the two day meeting is attached.

Dated: August 6, 1973.

STEPHEN A. WAKEFIELD,
Assistant Secretary, Energy and Minerals.

AGENDA

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH TENTH MEETING

Room 5160, Dept. of Interior
August 21 and 22, 1973

August 21—9:00 a.m.—Report of Subcommittee Chairman, Mr. James Hill, on meeting with Director Bureau of Mines, June 29, 1973.

10:00 a.m.—Plans for Advisory Committee operations.

12:00 p.m.—Lunch.

1:00 p.m.—Project evaluation based on ratings of individual members. Closed to the public.

4:30 p.m.—Adjourn.

August 22, 10:00 a.m.—Long range plans for coal mine safety research.

12:00 p.m.—Lunch.

1:00 p.m.—Mechanism for input of research results into proposed regulations.

2:30 p.m.—Executive session. Closed to the public.

4:00 p.m.—Adjourn.

[FR Doc.73-16530 Filed 8-9-73;8:45 am]

Geological Survey

SAN JUAN RIVER BASIN, COLORADO

Power Site Cancellation 320

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 219 and 357 are hereby canceled to the extent that they affect the following described land:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Power Site Classification 219 as of May 13, 1929:

T. 39 N., R. 4 W. (unsurveyed)
All lands adjacent to Los Pinos River lying below an altitude of 10,000 feet above sea level as shown on United States Geological Survey topographic map San Cristobal quadrangle. Protraction of public land surveys indicates that the land described, when surveyed, will be wholly within the W½ of township.

T. 37 N., R. 5 W.,
Sec. 3, Unsurveyed NW¼ and NW¼SW¼;
Sec. 4, lots 7 and 8, S½N½ and S½;
Sec. 8, NE¼SE¼ and SW¼SE¼;
Sec. 9, W½NE¼, NW¼, and SE¼SW¼;
Sec. 16, NW¼NW¼;
Sec. 17, SE¼NE¼, SE¼NW¼, NE¼SE¼, and SW¼SE¼;
Sec. 18, NE¼SE¼ and SW¼SE¼;
Sec. 19, SE¼NE¼, NE¼SW¼, and NW¼SE¼.

T. 38 N., R. 5 W. (unsurveyed)
All lands adjacent to Los Pinos River and Lake Fork lying below an altitude of 10,050 feet above sea level as shown on United States Geological Survey topographic map San Cristobal quadrangle.

T. 37 N., R. 6 W.,
Sec. 13, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 24, E½NW¼.

T. 39 N., R. 7 W.,
Sec. 5, lots 1, 2, and 3, S½NW¼ and NW¼SW¼.

The area described aggregates approximately 7900 acres. Power Site Classification 357 of October 24, 1944:

T. 37 N., R. 5 W.,
Sec. 4, lots 5 and 6;
Sec. 5, lots 1 and 2, and S½NE¼.

The area described aggregates 238.18 acres.

The total land described in this notice aggregates about 8138 acres.

The effective date of this cancellation is December 6, 1973.

HENRY W. COULTER,
Acting Director.

AUGUST 6, 1973.

[FR Doc.73-16525 Filed 8-9-73;8:45 am]

National Park Service

BIG BEN NATIONAL PARK

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on September 6, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Gilbert C. Youngdoff authorizing him to continue to provide concession facilities and services for the public within Big Bend National Park for a period of two (2) years from January 1, 1974, through December 31, 1975.

The foregoing concessioner has performed his obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before September 10, 1973.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated August 3, 1973.

JOSEPH C. RUMBURG,
Deputy Associate Director, National Park Service.

[FR Doc.73-16505 Filed 8-9-73;8:45 am]

GREAT SMOKY MOUNTAINS NATIONAL PARK, NORTH CAROLINA-TENNESSEE

Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on September 6, 1973, the Department of the Interior, through the Superintendent, Great Smoky Mountains National Park, proposes to issue a concession permit to Glen R. McHan, authorizing him to provide and sell merchandise for the public in the Smokemont public campground, for a period of 5 years from January 1, 1974, through December 31, 1978.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after publication date of this notice.

Interested parties should contact the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tennessee 37738, for information as to the requirements of the proposed permit.

VINCENT ELLIS,
Superintendent, Great Smoky Mountains National Park.

[FR Doc.73-16504 Filed 8-9-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

REGION 4; MANTI-LASAL NATIONAL FOREST; MANTI DIVISION G-10 ADVISORY BOARD

Notice of Meeting

The Manti Division Regulation G-10 Advisory Board will hold a summer tour and meeting on August 29 and 30, 1973.

The two-day tour will leave from Majors Flat, 10 miles east of Ephraim, on Utah State Highway No. 29 at 10:00 a.m. on Wednesday, August 29.

This meeting is being held to review various range livestock allotments and to see portions of the Ferron P.L. 566 watershed project. A short formal business

meeting will be held to discuss such topics as the Board members or Chairman believe desirable.

The meeting will be open to the public. To the extent time permits, persons may be permitted to comment on topics brought before the Board at anytime during the discussion.

Persons desiring additional detailed information regarding food and lodging necessary on the tour should contact Forest Supervisor George McLaughlin, Manti-LaSal National Forest, 350 East Main Street, Price, Utah 84501.

Dated: August 1, 1973.

GEORGE F. MCLAUGHLIN,
Forest Supervisor.

[FR Doc.73-16529 Filed 8-9-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a public meeting of the Memory Equipment Subcommittee of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held Thursday, August 16, 1973, at 9 a.m. in the Building 4 Conference Room at Electronic Memories Corporation, 12621 Chadron, Hawthorne, California.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Discussion of the product areas to be considered, and assignment of work programs.
2. Discussion of source document information.
3. Discussion of scope and content of report to be generated.
4. Discussion of criteria of production parameters for export control.
5. Further discussions that illustrate classes of equipment for which major applications are commercial as determined by the pattern of use in U.S.A. trade.

The meeting will be open to the public. To the extent time permits, members of the public may present oral statements to the committee. Interested persons also are invited to file written statements with the committee.

Further information may be obtained from Philip A. Harding, Chairman of the subgroup and General Manager, Electronic Memories, 12621 Chadron Avenue, Hawthorne, California 90250 (A/C 213—644-9881). Minutes of the meeting will be available 30 days from the date of the meeting upon written request addressed to Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: August 7, 1973.

JOHN T. CONNOR, Jr.,
Acting Director, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.73-16633 Filed 8-9-73;8:45 am]

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a public meeting of the Input/Output Equipment Subgroup of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held Wednesday, August 15, 1973, at 10:00 a.m. in the main conference room at Data Products Corporation, 6219 DeSoto Avenue, Woodland Hills, California.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Discussion of the product areas to be considered and assignment of work programs.
2. Discusion of source document information.
3. Discussion of scope and content of reports.
   a. Foreign availability
   b. End use patterns
   c. Export of hardware
   d. Export of technology.
4. Discussion of methodology and format for reports.
   a. Historical review and future trends of performance, cost and technology.
   b. Historical review and future trends of population statistics and use patterns.
   c. Impact of technology on use patterns—Example, Key-tape availability affecting punched card use.
5. Discussion of criteria of product parameters for export control.

The meeting will be open to the public. To the extent time permits, members of the public may present oral statements to the committee. Interested persons also are invited to file written statements with the committee.

Further information may be obtained from Irving L. Wieselman, Chairman of the subgroup and Vice President, Product Programs, Data Products Corporation, 6219 DeSoto Avenue, Woodland Hills, California 91364 (A/C 213 + 887-8000).

Minutes of the meeting will be available 30 days from the date of the meeting upon written request addressed to Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: August 7, 1973.

JOHN T. CONNOR, Jr.,
Acting Director, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.73-16634 Filed 8-9-73;8:45 am]

WASHINGTON UNIVERSITY

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

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

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

Docket Number: 73-00494-33-46040. Applicant: Washington University, School of Medicine, Department of Psychiatry, 4940 Audubon Avenue, St. Louis, Mo. 63110. Article: Electron microscope, JEM-100B. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used to study experimentally induced neuropathological conditions in brains of fetal and infant animals, for optimal interpretation of lesions induced in developing brain. In addition, the article will be used to teach residents and postgraduate research fellows the techniques of research cited above.

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 continuous magnification from 90 to 500,000 magnifications, without changing the polepiece. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgflo Corp. The Model EMU-4C, with its standard polepiece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, and optional low magnification polepiece should be used. Changing the polepiece on the Model EMU-4C re-

quires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 13, 1973 that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used. The Department of Health, Education, and Welfare (HEW) further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 90 to 500,000 magnifications without changing polepieces, while at the same time providing high-quality micrographs at low magnifications is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this 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.73-16582 Filed 8-9-73; 8:45 am]

Maritime Administration

CENTRAL GULF LINES

Construction of Six 380,000 DWT Tankers; Amended Application for Construction Differential Subsidy; Notice of Filing

Notice is hereby given that Central Gulf Lines, Inc. has filed an amended application dated July 30, 1973, pursuant to Title V of the Merchant Marine Act 1936, as amended for a contract differential subsidy to aid in the construction of six new VLCC tankers of approximately 380,000 DWT for use in the foreign commerce of the United States. It is proposed that the vessels be constructed by Todd Shipyards Corporation at Galveston Texas.

Any interested parties may inspect this amended application in the Office of the Secretary, Room 3099B, Maritime Administration, Commerce Department Building, 14th and E Streets, NW., Washington, D.C. 20235.

Dated: August 6, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-16606 Filed 8-9-73; 8:45 am]

[Docket No. S-380]

CHESTNUT SHIPPING CO.

Notice of Application

Notice is hereby given that Chestnut Shipping Company has filed an application dated July 9, 1973, under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy on two O/B/O vessels (to be constructed) which are to be employed in U.S. foreign trade. Inasmuch as affiliated companies of Chestnut Shipping Company own and/or operate U.S. flag tankers which from time to time may operate in domestic intercoastal or coastwise trade, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required by Chestnut Shipping Company if its application for operating-differential subsidy is approved.

Chestnut Shipping Company (Chestnut) advises that companies which are affiliated or associated with it own or operate a total of up to 31 U.S. flag vessels. Chestnut, accordingly, requests permission in its operating-differential subsidy contract for the transportation of liquid bulk cargoes within and between the following coastal areas with free interchange of the vessels among these various domestic trades. The following list shows the maximum number of vessels to be employed in each Domestic Trade at any one time:

U.S. Gulf-Alantic Coastwise	17 vessels
U.S. Gulf-Atlantic-Puerto Rico	2 vessels
U.S. Atlantic-Gulf Intercoastal (including Alaska and Hawaii)	5 vessels
Pacific Coast-Alaska-Hawaii	10 vessels

As information the following U.S. flag tankers are owned, managed, or operated by Chestnut's affiliates:

Chancellorsville	Spirit of Liberty
Perryville	Catawba Ford
Shenandoah	Keytanker
Fort Fetterman	Keystoner
Julesburg	Keytrader
Birch Coulie	Valley Forge
Santa Clara	Golden Gate
Gaines Mill	Edgar M. Queeny
Mill Spring	Sinclair Texas
Northfield	David E. Day
Tullahoma	Mobile Gas
Meadowbrook	Mobile Power
Sandy Lake	Mobile Fuel
Monmouth	

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room No. 4888, Department of Commerce Building, Fourteenth & E Streets NW, Washington, D.C. 20230.

Any person, firm or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business August 22, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on August 24, 1973, in Room 4896 Department of Commerce Building, Fourteenth & E Streets NW., Washington, D.C. 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

By order of the Maritime Administration.

Dated: August 6, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-16607 Filed 8-9-73; 8:45 am]

[Docket No. S-379]

MOORE-McCORMACK BULK TRANSPORT, INC.

Notice of Application

Notice is hereby given that Moore-McCormack Bulk Transport, Inc. (Bulk Transport) has filed an application under the Merchant Marine Act of 1936, as amended (the Act) for operating-differential subsidy with respect to operation of three (3) 38,300 deadweight ton tankers in worldwide tanker trades. Bulk Transport is a wholly-owned subsidiary of Moore and McCormack Co., Inc. which is related by and through Moore-McCormack Lines, Incorporated to The Interlake Steamship Company. The Interlake Steamship Company owns and Pickands Mather & Company, a subsidiary of Moore and McCormack Co., Inc., operates under a Managing Agency Agreement, 13 dry bulk cargo ships in domestic service on the Great Lakes.

Accordingly, Bulk Transport requires written permission under section 805(a) of the Act so that Moore and McCormack Co., Inc. and its subsidiary Pickands Mather & Company, and Moore-McCormack Lines, Incorporated and its subsidiary The Interlake Steamship Company may continue (a) to own, charter, and operate dry bulk cargo ships as contract carriers in the domestic trade between United States ports on the Great Lakes, and (b) to own, a pecuniary interest, directly or indirectly, in a person or concern that owns or charters, and operates dry bulk cargo ships as contract carriers in the domestic trade between United States ports on the Great Lakes, and (c) for Messrs. Barker and Tregurtha to be directors, and Messrs. Hoyt and McInnes to be officers and directors of The Interlake Steamship Company.

The 13 dry bulk cargo ships owned by The Interlake Steamship Company are listed below:

Frank Armstrong	Samuel Mather
Charles M. Beeghly	J. L. Mauthe
Harry Coulby	Col. James Pickands
E. G. Grace	Charles M. Schwab
Robert Hobson	John Sherwin
Elton Hoyt 2nd	Walter E. Watson
Herbert C. Jackson	

Interested parties may inspect this application in the Office of The Secretary, Maritime Administration, Department of Commerce Building, Fourteenth & E Streets, NW., Washington, D.C. 20230.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in the application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business August 22, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., August 24, 1973, in Room 4896 Department of Commerce Building, Fourteenth & E Streets, NW., Washington, D.C. 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Administration.

Dated: August 6, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-16608 Filed 8-9-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

U.S. NATIONAL COMMITTEE ON VITAL AND HEALTH STATISTICS AND HEALTH SERVICES RESEARCH TRAINING COMMITTEE

Notice of Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776) the Health Resources Administration announces the approval of renewal by the Secretary DHEW, on June 30, 1973, with concurrence by the Office of Management and Budget Committee Management Secretariat, of the following advisory committees:

Designation: U.S. National Committee on Vital and Health Statistics.

Purpose: Advises the Administrator, Health Resources Administration on the formulation of the United States policy regarding the development of vital and health statistics for national and international use. Cooperates with similar committees in other countries in the study of mutual problems. Works through subcommittees appointed to deal with specific questions and with other organizations cooperating voluntarily with the Committee.

Designation: Health Services Research Training Committee.

Purpose: The Committee advises and makes recommendations to the Director, National Center for Health Services Research and Development, on health services training. It performs the initial review of research training grant applications relating to the programs administered by the national center for Health Services Research and Development and makes recommendations to the National Advisory Health Services Council and the Federal Hospital Council; it also functions as the sole review body for health services research fellowship applications. As scientific leaders, members survey the status of training in their fields to determine areas in which research training activities should be initiated or expanded.

Authority for these committees will expire June 30, 1975, unless the Secretary, DHEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, formally determines that continuance is in the public interest.

Dated: August 6, 1973.

K. M. ENDICOTT,
Acting Administrator, Health Resources Administration.

[FR Doc.73-16580 Filed 8-9-73;8:45 am]

Social Security Administration

COMMISSIONER OF SOCIAL SECURITY

Redelegations of Authority

The Assistant Secretary for Administration and Management has delegated authority to the Commissioner of Social Security to certify true copies of any books, records, papers, or other documents on file within the Social Security Administration; to certify extracts from such material; to certify the nonexistence of records on file; and to cause the Seal of the Department of Health, Education, and Welfare to be affixed to such certifications (34 FR 18049-50), dated November 7, 1969). The Commissioner of Social Security previously redelegated this authority to certain officials of the Social Security Administration, as set forth in 33 FR 2613-14, dated February 6, 1968; 34 FR 13046-47, dated August 12, 1969; and 37 FR 10602-3, dated May 25, 1972.

Notice is hereby given that the foregoing authority to make certifications and affix the Department Seal has also been redelegated to Regional Commissioners of the Social Security Administration, without authority to further redelegate. This authority applies to any books, records, papers or other documents on file within their respective regional jurisdictions. These redelegations to the Regional Commissioners are effective as of the date this General Notice thereof is published in the FEDERAL REGISTER.

Dated: August 2, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

[FR Doc.73-16592 Filed 8-9-73;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL SUBCOMMITTEE ON DATA AND NORMS

Notice of Meeting

The National Professional Standards Review Council Subcommittee on Data and Norms will meet on August 13, 1973. This Subcommittee was formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act with respect to Data and Norms. The meeting will be held at the Lodge at Vail, Colorado at 7:30 a.m. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will consist of topics concerning PSRO data and norms. The meeting is open to the public.

Dated August 7, 1973.

WILLIAM I. BAUER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.73-16659 Filed 8-9-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

Pursuant to Docket No. HM–1, Rule-Making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during July 1973:

Special Permit No.	Issued to—Subject	Mode or Modes of Transportation
6778	Eaton Corporation, Troy, Michigan, to ship a compressed inert gas mixture in steel pressure vessels (toroidal shaped) complying with DOT Specification 39 with certain exceptions.	Highway, Rail Cargo-only Aircraft, Cargo Vessel.
6779	Shippers registered with this Board to ship perchloromethyl mercaptan in monel clad DOT Specification 51 portable tanks.	Highway.
6780	Shippers registered with this Board to ship petroleum naphtha inside metal cans packed in fiberboard boxes complying with DOT Specification 12B with certain exceptions.	Highway, Rail.
6781	Shippers registered with this Board to ship encapsulated methyl parathion (Penecap M) in DOT Specification 34 polyethylene containers.	Highway.
6782	Shippers registered with this Board to ship cryogenic refrigerators, containing gaseous helium, described as "Refrigerating Machines".	Highway, Passenger-Carrying Aircraft.
6783	Shippers registered with this Board to ship carbon tetrabromide in 60% weight solution with cyclohexane in DOT Specification 17C steel drums equipped with liner.	Highway, Rail Cargo Vessel.
6784	Diamond Shamrock Chemical Co., Cleveland, Ohio and the Essex Chemical Corporation to ship chromic acid in non-DOT specification steel drums in compliance with DOT Specification 37A, except for marking.	Highway, Rail.
6785	Shippers registered with this Board to ship certain corrosive liquids, n.o.s. in Specification MC 310, MC 311, or MC 312 tank motor vehicles.	Highway.
6788	Shippers registered with this Board to ship certain flammable solids in DOT Specification 56 portable tanks.	Highway.
6789	Shippers registered with this Board to ship sodium percarbonate in multiwall natural kraft paper bags, with liner, not exceeding 100 pounds net weight each.	Highway, Rail.
6791	Shippers registered with this Board to ship hexamethylenimine solution in DOT Specification MC 312 or MC 311 tank motor vehicles having stainless steel cargo tanks.	Highway.
6794	FCX Incorporated, Raleigh, N.C. to ship certain liquids in the organic phosphate family in a non-DOT specification tank motor vehicle (twin tanks) constructed in accordance with the ASME Code.	Highway.

Denied—Subject

1. Request by Pennwalt Corporation, Philadelphia, Pa. to ship vinylidene fluoride in a modified DOT Specification 51 portable tank.

ALAN I. ROBERTS,
Secretary.

[FR Doc.73–16526 Filed 8–9–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–282, 50–306]

NORTHERN STATES POWER CO.

Notice of Prehearing Conference

Notice is hereby given that the Atomic Safety and Licensing Board will hold a prehearing conference in this proceeding on August 16, 1973, at 10:00 a.m. local time, in Courtroom No. 2, U.S. Federal Courthouse, 316 North Roberts Street, St. Paul, Minnesota 55101. The parties should be prepared at this conference to offer such argument on submitted contentions and pending motions as the Board may require.

Members of the public may attend this prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. However, members of the public who may wish to participate in the proceeding by way of limited appearances will not be permitted to do so at the prehearing conference. Oral or written statements offered by way of limited appearances will be received by the Board at the time of the aforementioned evidentiary hearing.

Issued at Washington, D.C., this 7th day of August 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON, *Chairman.*

[FR Doc.73–16663 Filed 8–9–73;8:45 am]

[Docket Nos. 50–438 and 50–439]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Draft Environmental Statement; Time for Submission of Views on Antitrust Matter

The Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1973, for authorization to construct and operate two generating units utilizing pressurized water nuclear reactors. The application was tendered on May 14, 1973. Following a preliminary review for completeness, it was accepted on June 14, 1973 for docketing.

The proposed nuclear facility, designated by the applicant as the Bellefonte Nuclear Plant, Units 1 and 2, is located at the Bellefonte site in Jackson County, Alabama, approximately six miles northeast of Scottsboro, Alabama. Each unit is designed for initial operation at a core power level of 3413 megawatts (thermal), and a gross electrical output of 1329 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 4, 1973. The request should be filed in connection with Docket Nos. 50–438–A and 50–439–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 35768.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a Draft Environmental Statement (in lieu of an environmental report) since TVA like other Federal agencies is subject to the requirements of Section 102 of the National Environmental Policy Act of 1969. The Statement (report) has been made available for public inspection at the aforementioned locations. The Statement, which discusses environmental considerations related to the proposed construction of the Bellefonte Nuclear Plant, Units 1 and 2, is also being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama 36104 and Top of Alabama Regional Council of Governments, P.O. Box 308, City Hall 6th Floor, Huntsville, Alabama 35801.

After TVA's Statement has been analyzed by the Commission's Director of Regulation or his designee, an AEC Draft Environmental Statement will be prepared in accordance with the Commission's procedures in Appendix D to 10 CFR Part 50. Upon preparation of the AEC Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of its availability requesting comments from interested persons. The summary notice will also state that comments of Federal agencies and State and local officials on the AEC Statement will be made available when received.

Dated at Bethesda, Maryland, this 23rd day of July 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Pressurized Water Reactors Branch No. 4 Directorate of Licensing.

[Dockets Nos. 50-438 and 50-439]

TENNESSEE VALLEY AUTHORITY

Establishment of Atomic Safety and Licensing Board

On August 3, 1973, the Commission published in the FEDERAL REGISTER, 38 FR 20932, a notice of hearing to consider the applications filed by the Tennessee Valley Authority for construction permits for the Bellefonte Nuclear Plant, Units 1 and 2. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. Glenn O. Bright, Dr. E. Leonard Cheatum and Elizabeth S. Bowers, Esq., Chairman. Dr. John H. Manley has been designated as a technically qualified alternate and Hugh K. Clark, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Elizabeth S. Bowers, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Mr. Glenn O. Bright, a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

3. Dr. E. Leonard Cheatum, Director, Institute of National Resources, University of Georgia, Athens, Ga. 30601.

4. Hugh K. Clark, Esq., Alternate Chairman, P.O. Box 127A, Kennedyville, Md. 21645.

5. Dr. John H. Manley, Alternate, Box 417, Rural Route 1, Espanola, N. Mex. 87532.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 6th day of August 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-16534 Filed 8-9-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23045; Order 73-8-32]

BUSINESS JETS, PTY., LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1973.

By Order 71-7-31, dated June 15, 1971, and approved by the President on July 1, 1971, the Board issued a permit to Business Jets, Pty., Ltd., authorizing the carrier, for a period of five years or until its wet-lease agreement with Air Nauru terminated, whichever occurred first, to engage in foreign air transportation of persons, property, and mail between a point or points in the Republic of Nauru and the terminal point Majuro, Marshall Islands, Trust Territory of the Pacific Islands, such authority limited to transportation performed pursuant to a wet-lease agreement between the carrier and Air Nauru.

Air Nauru has filed a petition requesting termination of Business Jets' permit on the grounds that the wet-lease agreement between Business Jets and Air Nauru has been terminated and that Air Nauru now operates its own aircraft and employs its own crew.

Based upon the foregoing, the Board tentatively finds that it should issue a notice that the foreign air carrier permit now held by Business Jets, Pty., Ltd. has terminated, and that, unless objections are received within 20 days from the date of service of this order, the Board should make such tentative findings final.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would give notice that the foreign air carrier permit held by Business Jets, Pty., Ltd., has terminated;

2. That any interested person having objections to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [1]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That Business Jets, Pty., Ltd., Air Nauru, and the Republic of Nauru shall be served copies of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-16620 Filed 8-9-73;8:45 am]

[1] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

[Docket No. 18078; Order 73-8-31]

FLYING TIGER LINE INC.

Order Regarding Service Mail Rates for Transatlantic and Transpacific Priority Mail and Military Ordinary Mail

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1973.

Order 69-12-31, dated December 5, 1969, directed all interested persons to show cause why the Board should not (1) adopt the standard mileages proposed therein for The Flying Tiger Line Inc. (FTL), and (2) delete from Order 68-9-8, dated September 4, 1968, as amended by Order 69-7-11, dated July 2, 1969, the provision which specified one standard mileage for the transportation of military ordinary mail (MOM) between certain West Coast cities [1] and Tokyo.

By a notice dated December 15, 1969, the Postmaster General (PMG) raised a technical objection to the show-cause order, while on December 1969, notices of objections to the order were filed by Northwest Airlines Inc. (Northwest), and Pan American World Airways, Inc. (Pan Am).[2]

In his notice of technical objection, the PMG opposed the proposed deletion of the common-mileage provision for the transportation of MOM between West Coast cities and Tokyo. Both Northwest and Pan Am supported the PMG's position on this point.

Northwest and Pan Am, in answers dated January 7, and January 6, 1970, respectively, opposed the proposed standard mileage of 4,828 miles for FTL between Seattle and Tokyo. They maintained that the proposed mileage did not reflect the actual operation of the service and that such a mileage would result in a rate reduction below the level

[1] San Francisco, Portland, and Seattle. The standard mileage was 4,865 miles, Northwest's standard mileage between Seattle and Tokyo.

[2] Although it had, in previous submissions, contested the mileages proposed by the show-cause order, FTL indicated in a letter dated December 15, 1969, that it would not object to Order 69-12-31 since discussions were then being held to develop circuity factors to be used in conjunction with the establishment of great-circle mileages.

specified in applicable mail rate orders. Northwest and Pan Am contended that, because of outstanding notices of equalization in this market, they would be forced to accept the proposed mileage in computing their compensation, and thus no carrier, not even FTL, which would become the "rate-making carrier," would be able to achieve a yield equal to the ton-mile rate contained in the rate orders.

The controversy over the establishment of the Seattle-Tokyo standard mileage for FTL is indicative of the problems involved in determining such mileages. We have since adopted a nonstop great-circle mileage basis for rate-making mileages, effective April 1, 1972,[3] which will eliminate such controversy in the future. In the course of establishing nonstop great-circle miles, it was anticipated that the FTL standard mileage problem might be resolved. Since no resolution was reached, we are ordering that a hearing be held pursuant to our Rules of Practice to establish the standard mileage for FTL between Seattle and Tokyo through March 31, 1972. However, those mileages for FTL proposed in the order to show cause which have not been contested will be finalized by this order.[4]

Finally, we have also decided, on the basis of the filed objections, not to adopt the proposal to delete from Order 68-9-8 the common-rated mileage for MOM between certain West Coast cities and Tokyo. However, since Order 68-9-8 as amended stated this common mileage in terms of Northwest's standard mileage of 4,865 between Seattle and Tokyo, we are amending Order 68-9-8 to clarify that the great-circle mileage between Seattle and Tokyo applies to the computation of compensation for the transportation of MOM between San Francisco, Portland, or Seattle and Tokyo effective April 1, 1972, the date of adoption of great-circle mileages.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 204(a) and 406 thereof, and the Board's regulations 14 CFR Part 302.

It is ordered, That:

1. Effective August 12, 1969, Order 68-9-8, as amended by Order 69-7-11, is amended by adding to page 4 of Appendix A of Order 69-7-11, the standard mileages for The Flying Tiger Line Inc. which are appended to this order.

2. Investigation of the issue of the standard mileage for The Flying Tiger Line Inc. between Seattle and Tokyo and to all points affected by this mileage for the period August 12, 1969, through March 31, 1972, shall be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated.

3. Effective April 1, 1972, Order 68-9-8 dated September 4, 1968, as amended by Order 73-4-16, dated April 3, 1973, is further amended to provide that, for the purpose of computing the compensation for the transportation of Military Ordinary Mail between San Francisco, California, Portland, Oregon, and Seattle, Washington, on the one hand, and Tokyo, Japan, on the other, the mileage shall be based on the great-circle mileage between Seattle, Washington, and Tokyo, Japan, in lieu of the standard mileage of 4,865.

4. This order shall be served upon the Postmaster General, The Flying Tiger Line Inc., Northwest Airlines, Inc., and Pan American World Airways, Inc., which are hereby made parties to the investigation ordered to be heard by paragraph 2, and upon American Airlines, Inc., Continental Air Lines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.[5]

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-16619 Filed 8-9-73;8:45 am]

[3] Order 73-4-16, dated April 3, 1973.

[4] Mileages constructed on the basis of the mileage between Seattle and Tokyo will also be in issue in the investigation.

[5] Appendix filed as part of the original.

[Docket No. 25565]

IRAN NATIONAL AIRLINES CORP.

Notice of Postponement of Hearing Regarding Iran-New York/Detroit/Los Angeles via Immediate Points

Notice is hereby given that the hearing in the above-entitled matter scheduled to be held on August 24, 1973 (38 FR 19925, July 25, 1973) is hereby postponed to September 24, 1973, at 10:00 a.m., (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., August 7, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.

[FR Doc.73-16616 Filed 8-9-73;8:45 am]

[Docket No. 23333; Order 73-8-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority August 1, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA).

The agreement proposes revisions to the specific commodity rates applicable in the North Atlantic and the South Pacific areas. These revisions are outlined in the attachments hereto, and reflect both increases and reductions from the presently effective rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 23708 R-1 through R-3, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication;

2. The U.S. and foreign flag carriers may file tariffs implementing this agreement on not less than one day's notice for effectiveness not earlier than August 13, 1973; and

3. The findings and approval herein pertaining to North Atlantic specific commodity rates shall not be deemed to modify the findings and Order of the Board in its decision in Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, Order 73-2-24 of February 6, 1973, as amended and finalized by Order 73-7-9 of July 5, 1973, and are subject to all provisions of such order.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.[2]

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-16618 Filed 8-9-73;8:45 am]

[2] Attachments A and B filed as part of the original document.

[Docket No. 25774; Order 73-8-26]

PAN AMERICAN WORLD AIRWAYS, INC.

Order of Investigation and Suspension Regarding Peak-Period Reservation Rule

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of August 1973.

By tariff revisions[1] marked to become effective August 8, 1973, Pan American World Airways, Inc. (Pan American) proposes to establish a rule regarding full payment for reservations for travel during the 1973/1974 Christmas/New Year, and 1974 Washington's Birthday and July 4th holiday periods in the mainland United States-Puerto Rico/Virgin Islands markets. The proposed rule would require full payment of the fare not later than two months prior to date of travel if the reservation is made more than two calendar months in advance, and full payment of the fare at the time the

[1] Revisions to International Air Traffic Tariffs Corp., Agent, Tariff C.A.B. No. 191.

reservation is made if within two months of the travel date. In addition, the carrier proposes a penalty equal to 25 percent of the price of the ticket for failure to cancel a reservation at least 72 hours prior to scheduled departure.

In support of its proposal, Pan American alleges that the rule parallels that previously approved by the Board in connection with travel group charters and APEX fares. The carrier states that it has studied the four-week advance-payment requirement with which the Board has indicated it would have less trouble, but that in its judgment shortening the advance-payment requirement to less than two months would render the proposal impractical.

No complaints have been filed.

Upon consideration of the tariff filing and other relevant matters the Board concludes that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the proposal should be suspended pending investigation.

The Board previously suspended a proposal by Pan American which would have required full payment of the fare at the time the reservations are made,[2] and still another advance-reservation proposal in the northeast corridor-Florida markets.[3] In doing so, we expressed our belief that both proposals may have been unnecessarily severe and indicated our judgment that a four-week advance-payment requirement, or one which obligated the carriers to pay interest on payments required to be made more than four weeks in advance would be more suitable. Here, Pan American acknowledges the Board's view, but without any explanation or supporting data simply states that in its judgment shortening the advance payment to less than two months would render the proposal impractical. In the absence of factual support for its proposal, we see no reason to depart from our earlier view.

Moreover, the travel group charter (TGC) and APEX fares to which Pan American refers do not appear relevant to its proposal. Advance-purchase requirements are imposed on such fares for reasons quite apart from the no-show problem and, in our opinion, do not constitute a precedent for similar application to normal fares.

Accordingly, Pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the provisions in Rule 7(D) on 39th Revised Page 15 and 43rd Revised Page 16 of International Air Traffic Tariffs Corp., Agent, Tariff C.A.B. No. 191, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions in Rule 7(D) on 39th Revised Page 15 and 43rd Revised Page 16 of International Air Traffic Tariffs Corp., Agent, Tariff C.A.B. No. 191, are suspended and their use deferred to and including November 5, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The investigation ordered herein be assigned before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed with the aforesaid tariff and be served upon Pan American World Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-16617 Filed 8-9-73;8:45 am]

[Docket No. 24488; Agreement C.A.B. 23710]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3rd day of August, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement would amend add-on amounts for French domestic points in combination with transportation over the North and South Atlantic routes by increasing these amounts by approximately 5 percent to reflect an increase in French domestic fares which became effective on April 15, 1973.

For through trips to French interior points, the international carriers must now pay prorate amounts to French domestic carriers based on increased local fares for transportation on the domestic segments of such trips. Without an attendant adjustment in international fares, the international carriers would be forced to absorb the increase in domestic French fares.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, incorporated in agreement C.A.B. 23710, to be adverse to the public interest or in violation of the Act:

JT12(Mail 814) 054a, 054c, 064a, 064c, 070d, 071q, 076e, 076p, 084a, 084p, 092f and 095b

Accordingly, *IT IS ORDERED*, That:

1. Agreement C.A.B. 23710 be and hereby is approved;

2. The U.S.- and foreign-flag carriers may file tariffs implementing the agreement on not less than one day's notice for effectiveness not earlier than August 13, 1973; and

3. Tariffs implementing this agreement shall be marked to expire on certifications (34 F.R. 18049-50, dated December 31, 1973.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-16510 Filed 8-9-73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the meeting of the Federal Employees Pay Council previously scheduled for Wednesday, August 8, 1973 (FR Doc. 73-15368, 38 FR 19983, July 26, 1973), has been rescheduled and will now be held at 3:00 p.m. on Friday, August 10, 1973.

As indicated in the earlier notice, this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management, Officer for the President's Agent.

[FR Doc.73-16772 Filed 8-9-73;11:45 am]

ENVIRONMENTAL PROTECTION AGENCY

INSECTICIDES IN FOOD HANDLING ESTABLISHMENTS

Definitions and Policy Statement

Safe amounts of pesticides in foods have been regulated through sections 408 and 409 of the Federal Food, Drug, and Cosmetic Act. It has been recognized for some time that contamination of foods might result from use of insecticides in food handling establishments such as canneries, restaurants, and warehouses. To assist in the regulatory control of insecticides in food handling establishments, the following definitions will be used:

1. Food is defined by section 201(f) of the Federal Food, Drug, and Cosmetic Act to mean (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

2. A food handling establishment is an area or place other than a private residence in which food is held, processed, prepared and/or served.

a. Nonfood areas of food handling establishments include garbage rooms, lavatories, floor drains (to sewers), en-

[2] Order 73-5-128, May 29, 1973.
[3] Order 72-4-67, April 14, 1972.

tries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets, and storage (after canning or bottling).

b. Food areas of food handling establishments include areas for receiving, serving, storage (dry, cold, frozen, raw), packaging (canning, bottling, wrapping, boxing) preparing (cleaning, slicing, cooking, grinding), edible waste storage, enclosed processing systems (mills, dairies, edible oils, syrups).

3. Nonresidual insecticides are those products applied to obtain insecticidal effects only during the time of treatment and are applied either as space treatments or contact treatments.

a. Space treatment is the dispersal of insecticides into the air by foggers, misters, aerosol devices or vapor dispensers for control of flying insects and exposed crawling insects.

b. Contact treatment is the application of a wet spray for immediate insecticidal effect.

4. Residual insecticides are those products applied to obtain insecticidal effects lasting several hours or longer and are applied as general, spot, or crack and crevice treatments.

a. General treatment is application to broad expanses of surfaces such as walls, floors, and ceilings or as an outside treatment.

b. Spot treatment is application to limited areas on which insects are likely to occur, but which will not be in contact with food or utensils and will not ordinarily be contacted by workers. These areas may occur on floors, walls, and bases or undersides of equipment. For this purpose, a "spot" will not exceed 2 square feet.

c. Crack and crevice treatment is application of small amounts of insecticides into cracks and crevices in which insects hide or through which they may enter the building. Such openings commonly occur at expansion joints, between different elements of construction; and between equipment and floors. These openings may lead to voids such as hollow walls, equipment legs and bases, conduits, motor housings, junction or switch boxes.

Under terms of the agreement between the Department of Health, Education, and Welfare and the Environmental Protection Agency published in the FEDERAL REGISTER of December 22, 1971 (36 FR 24234), the Environmental Protection Agency is responsible for processing petitions for insecticide residues in foods exposed during treatment of food handling establishments. Representative residue data should be obtained for food exposed during treatments with insecticides. Based upon petitions with such residue data, food additive regulations have already been established for pyrethrins, piperonyl butoxide and *N*-octylbicycloheptene dicarboximide.

Many insecticides effective in food handling establishments have tolerances to cover agricultural uses. It is anticipated that the available toxicology data for these compounds will usually meet toxicology data requirements. New compounds will, of course, be subject to current toxicology data requirements.

In the interim while tolerance data is being further developed, it has been determined that certain residual insecticides, if used with proper care in food handling establishments, can assist in the protection of the public health from contamination of food by insects and insect-borne diseases without hazard from residues. Therefore, use of the following type residual insecticides is authorized for careful crack and crevice treatment in food areas in addition to their authorized label uses:

1. borax (finely divided powder)
2. boric acid (finely divided powder)
3. carbaryl
4. chlordane
5. chlorpyrifos
6. dimethyl 2,2-dichlorovinyl phospate
7. dimethyl 2,2,2-trichloro-1-hydroxyethel phosphonate
8. 0,0-dimethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphosothioate
9. fenthion
10. orthoisopropoxysphenye methylcarbamate
11. malathion
12. N-octylbicycloheptene discarboximide
13. piperonyl butoxide
14. pyrethrins
15. ronnel
16. silica gel (finely divided powder)

Registrants of pesticides containing the above ingredients are requested to make immediate application for label modification to add the use for Crack and Crevice treatments in food areas. Testing is required for similar use of residual insecticides not listed above.

If the label modification is not approved within 6 months from date of publication of the notice, the product will no longer be authorized for C+C treatment.

Applications for experimental use permits may be needed to obtain residue data, and temporary food additive tolerances may be needed in conjunction with the permit. Since section 409 of the Federal Food, Drug, and Cosmetic Act does not provide for temporary food additive regulations, section 5(b) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by Public Law 92-516 is considered adequate authority to establish temporary tolerances for residues of insecticides from experimental use permits issued to obtain data from application of insecticides in food handling establishments.

As soon as adequate experimental data become available, food additive petitions should be submitted in order to provide time for review before October 1974. Registration under Public Law 92-516 can begin at that time and appropriate food additive regulations will be a necessary prerequisite for registration.

Dated: August 2, 1973.

DAVID D. DOMINICK,
Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-16536 Filed 8-9-73;8:45 am]

QUATERNARY AMMONIUM COMPOUNDS

Notice of Intent To Cancel Registration

This notice is a continuation of the phaseout of no residue, or zero tolerance, registrations. Previous actions in this regard were based on the statement of implementation April 13, 1966 (31 FR 5723), and amended statement of implementation December 5, 1970 (35 FR 18550). Petitions proposing tolerances for residues of quaternary ammonium compounds in poultry tissues and eggs have not been submitted.

Registration is no longer being issued for products containing quaternary ammonium compounds intended to sanitize poultry drinking water. Data presented by a basic manufacturer of this type of compound indicate the transfer of residues to the tissues and eggs of poultry that drink such treated water. The presence of residues in poultry tissues and eggs from the use of quaternary ammonium compounds as sanitizers in poultry drinking water would constitute adulteration under the Federal Food, Drug, and Cosmetic Act. Therefore, directions for such uses are not considered to be adequate for the protection of the public.

In accordance with the provisions of Section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by Public Law 92-516 (86 Stat. 984) products containing quaternary ammonium compounds for use in sanitizing poultry drinking water and which are registered under the Federal Insecticide, Fungicide, and Rodenticide Act are no longer considered to be in compliance with provisions of said Act. The registration of such products will be canceled effective 30 days following the publication of this notice or from receipt by the registrant of a copy of this notice, whichever is later, unless all directions for such uses in sanitizing poultry drinking water are immediately deleted from the labels of such products or other procedure is invoked as provided in section 6.

Five copies of corrected labeling must be submitted to the Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Washington, D.C. 20460, if continued registration is desired.

Dated: August 3, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-16535 Filed 8-9-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19794; FCC 73-798]

MIRACLE VALLEY BROADCASTING CO., INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Miracle Valley Broadcasting Co., Inc. (WEIF), Moundsville, W. Va., File No. BP-18338. Has: 1370

kHz, 1 kW, Day; Requests: 1370kHz, 5 kW, Day. For construction permit.

1. The Commission has before it (i) the above-captioned application of WEIF to increase daytime power; (ii) petition to deny filed by WK, Inc., former broadcast licensee of WKWK, Wheeling, W. Va., and adopted by its successor in interest, Publishers Broadcasting Corp., the present licensee of WKWK, Wheeling, W. Va.; and (iii) pleadings in opposition and reply thereto.

2. Petitioner failed to set forth the basis of standing as a party in interest. Nevertheless, since petitioner alleges that the applicant would compete with WKWK for audience and revenue, the Commission finds that the petitioner has standing as a party in interest within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. Federal Communications Commission v. Sanders Brothers, 309 U.S. 470, 9 RR 2008 (1940).

3. The initial field intensity measurement data filed in the WEIF application indicated that the proposed 5 mV/m contour would not penetrate the Wheeling city limits. Subsequent measurements submitted by the petitioner made on an azimuth of 17°, however, revealed that the 5 mV/m signal would in fact penetrate the city. Commission analysis of all pertinent data confirms the fact that a significant portion of Wheeling will be within WEIF's proposed 5 mV/m contour.

4. Petitioner contends that the proposed operation comes within the purview of the Commission's Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190 (1965). Prior to the 1970 census, the petitioner relied upon the 1960 census which indicated Wheeling's population to be 53,400 and Moundsville's population to be 15,163, thus raising the rebuttable presumption that WEIF was realistically proposing to serve Wheeling. When the 1970 census indicated that Wheeling's population had fallen to 46,854,[1] the applicant amended his application by documenting the decrease in population and requesting rejection of the 307(b) question. In its supplemental petition to deny, petitioner opposed this contention and, relying on VWB, Inc., 10 RR 2d 563 (1967), attempted to establish a threshold showing that WEIF seeks realistically to serve Wheeling.

5. Petitioner cites VWB, Inc., supra, for the proposition that the 5mV/m-50,000 population test is not an inflexible rule. While conceding that the fact situation in VWB is considerably different from the fact pattern of the case now before us,[2] petitioner contends that the main principle of the VWB case is that in a situation involving a community with a population under 50,000, the Commission must look to the "totality of the circumstances" in order to ascertain the applicant's intent. Specifically, petitioner argues that WEIF's present primary service of all of Marshall County runs contrary to its purported reason for requesting a power increase; that the power increase bears no relationship to Miracle's ability to meet community needs and problems; that the power increase masks an attempt by WEIF to gain further revenue from Wheeling-based advertising above and beyond the 29 to 33 percent it already has; that WEIF is located within 10 miles of Wheeling; and that both communities are in the same Standard Metropolitan Statistical Area (SMSA).

6. The applicant argues (i) that the VWB case is inapplicable because Moundsville has it own educational, religious, political, and economic structure; (ii) That although all of Marshall County presently receives primary service, outlying areas will nevertheless benefit from a power increase; (iii) that Wheeling-based advertising is designed to encourage Moundsville residents to shop in Wheeling rather than to reach the Wheeling audience itself; (iv) that the revenue from Wheeling is expected to decline because of decreasing population in that area; (v) that permission to move the antenna would have been requested by WEIF had its intent really been to serve Wheeling; and (vi) that only the lower half of Wheeling is penetrated and the extent of coverage is the result of greater conductivity around the Ohio river.

7. Two major factors are repeatedly emphasized in cases involving threshold showings in communities with populations under 50,000. The first requisite is a tremendous disparity in the comparative sizes of the two towns. The second is a showing of social, political, and/or economic dependence. VWB, supra, Harry D. and Robert E. Stephenson, et al., 15 FCC 2d 335 (1968). Further, prior cases make clear that when the larger city has a population under 50,000, the burden on the petitioner to establish a threshold showing is not a light one. The Commission will not designate a proposal for hearing merely because it happens to place a strong signal over a larger community. VWB, supra; Durguin Associates, Inc., 10 FCC 2d 24 (1967). Therefore, the threshold showing must clearly establish a basis upon which the presumption may arise.

8. Petitioner has established that Wheeling and Moundsville are in the same SMSA, are less than 10 miles apart, and that WEIF relies to some extent on Wheeling-based revenues. However, in Durguin, supra, the Commission found that no threshold showing had been made even though the two communities were less than six miles apart and the larger community was three times as populous as the smaller (21,680 and 6,897, respectively). In distinguishing Durguin from VWB, the Commission stated that since the smaller community in Durguin was over one-third the size of the larger, there was no great disparity in the size of the two towns as existed in the VWB case.[3] In addition, no showing of economic, social, political or educational dependence has been made. In Stephenson, supra, the larger community had a population of under 50,000. The smaller town was only 5 miles from the larger, both were within the same metropolitan area, and the residents of the smaller town did considerable shopping in the larger community. In finding that the requisite showing had been made, however, the Commission relied not only on the facts stated above, nor on the "totality of the circumstances," but emphasized instead that its decision was prompted by the relative disparity in the sizes of theh towns[4] and by the fact that since the community was so small[5] it would of necessity be dependent upon other communities for revenues. Id at 340–341. The Moundsville community, on the other hand, is sizable and is, in fact, the largest city in Marshall County and serves as the county seat. Moreover, the citizens of Moundsville maintain 14 schools, and support 15 different churches. There are over 200 retail business establishments and various civic organizations. Commission studies indicate that the power increase would result in WEIF covering approximately twice the area (1,275 square miles) it presently serves and would enable the station to cover virtually all of Marshall County for the first time with a 2 mV/m signal. As a result, approximately 37,000 persons (exclusive of Wheeling residents) living within that contour will receive an additional aural service. Also, an extensive rural area, including several dozen small communities of under 2,500 persons, having a total population of about 72,000 would be encompassed by the proposed 0.5 mV/m contour. In light of the foregoing, we find that no 307(b)-suburban issue has been raised.

9. Petitioner alleges that the applicant failed to conduct a survey as required by the Primer on Ascertainment of Community Problems by Broadcast Applicants, 19 RR 2d 1901 (1970). By amendments dated January 6, 1972, and September 20, 1972, however, the applicant submitted the survey results for the gain area. The Primer requires that where major change applications are involved only the gain area need be surveyed. The amendments submitted by the applicant do provide a breakdown of the population of the gain area, interviews with leaders of the representative groups in the area, list the needs of the communities in the area and reflect in sufficient detail the programming to meet community needs. Therefore, the Commission finds that the

[1] Population of Moundsville according to the 1970 census had dropped to 13,420.

[2] In *VWB*, the population of the smaller community was merely 4.2 percent of the larger community while Moundsville is over one-third as populous as Wheeling. The town in *VWB*, further, was dependent upon the larger community economically, politically, educationally, and socially.

[3] Present census figures place Wheeling's population at 46,854 and Moundsville at 13,420, a ratio of slightly more than 3 to 1.

[4] The smaller town was roughly 4 percent of the size of the larger.

[5] Population, 1,500.

applicant has complied with the basic Primer requirements.

10. Petitioner also alleges that the applicant is not financially qualified to construct the proposal. Subsequent to the filing of the petition, the applicant filed additional financial information. Examination of these data shows that $20,673 will be required to effect the necessary change in operation. Of this total, $19,173 will be needed for equipment and $1,500 for miscellaneous expense. To meet these expenses, the applicant relies on a $30,000 loan from its principal stockholder, Fred Grewe, Jr. Examination of Mr. Grewe's balance sheet shows that although he appears to have more than enough total net assets to make such a loan, he has failed to segregate his current liabilities from his long-term obligations as required by the instructions to section III of FCC Form 301. Under these circumstances we must consider all Mr. Grewe's liabilities to be current (i.e., due within one year) and, on this basis, we find that sufficient liquid and current assets in excess of current liabilities have not been indicated. Accordingly, a financial issue will be included and Mr. Grewe will be afforded the opportunity to file a more detailed financial statement.

11. Petitioner contends that the use of of an inaccurate contour map for advertising promotion constitutes deceptive business practices in violation of section 5 of the Federal Trade Commission Act, 38 Stat., 719, 15 U.S.C. 45 § 5, and that a hearing must be held on this matter to determine whether the applicant possesses the necessary qualifications of a Commission licensee. Universal Communications of Pittsburgh, Inc., 17 RR 2d 1262 (1969) (Recon. denied, 21 FCC 2d 542, 18 RR 2d 491 (1970)) dealt with a rate card which substantially exaggerated the coverage area. In that case, the Commission stated:

> Use of an inaccurate and exaggerated coverage map will not be tolerated. Any practice intended to deceive or mislead advertisers or the public cannot be condoned. 17 RR 2d at 1262 (Italic added).

WEIF contends that the requisite intent to deceive is lacking in this case. Applicant maintains that the map was used innocently, that it had been prepared under the direction of the prior owners of the station, that it was designed by a reputable engineering firm and that since the owners are not engineers, they had no way of knowing whether or not the map was accurate. Petitioner asserts that WEIF's use of the map could not have been innocent since subsequent engineering data prepared by the licensee in connection with this application reflects the inaccuracy of the rate card.[6]

[6] In this connection, we note that not only did the 0.5 mV/m contour depicted on the WEIF rate card encompass a considerably larger area than the proposed 0.5 mV/m contour shown on the engineering exhibits in this application, but it also encompassed a larger area than did the coverage map used by the prior owners of the station.

12. The Review Board in Athens Broadcasting Company, Inc., 27 FCC 2d 7 (1971), enlarged issues in a comparative hearing to inquire into misrepresentations as to the coverage area of a station. Further, in Radio Clinton, Inc., 73 FCC 463, the Commission stated that discontinued use of a coverage map on its rate card will not obviate the need for further inquiry. Because of the gravity of the charges, we believe further inquiry is necessary. Accordingly, an appropriate issue will be specified. Since WEIF's license was renewed last year for the period ending October 1, 1975, there is no application presently before the Commission against which an ultimate adverse conclusion concerning basic licensee qualifications could be applied. However, we believe that the facts developed on the issue should also be considered in connection with a determination as to whether a grant of the application before us would serve the public interest. In addition, if the issue as to basic licensee qualifications is decided adversely to the applicant in this proceeding, findings of fact made under this issue will be considered res judicata with respect to those matters in passing upon the next-filed renewal of license application.

13. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. In view of the foregoing, however, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

14. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Fred Grewe, Jr., has sufficient net current liquid assets to finance the proposed construction and, in light thereof, whether Miracle Valley Broadcasting Co., Inc., is financially qualified.

2. To determine whether Miracle Valley Broadcasting Co., Inc., employed a deceptive coverage map on the WEIF rate card, and, if so, whether it continues to possess the requisite qualifications to be a broadcast licensee.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

15. *It is further ordered*, That, the petition to deny of Publishers Broadcasting Co., Inc., is granted to the extent indicated above and is denied in all other respects.

16. *It is further ordered*, That Publishers Broadcasting Corp. licensee of station WKWK, Wheeling, W. Va., is made a party to the proceeding.

17. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, 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 fixed for the hearing and present evidence on the issues specified in this Order.

18. *It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 26, 1973.

Released: August 1, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] VINCENT J. MULLINS, *Acting Secretary.*

[FR Doc.73-16588 Filed 8-9-73;8:45 am]

[Dockets Nos. 19791, 19792]

MONTROSE COUNTY AIRPORT

Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Montrose County, Colo., Montrose, Colo., Docket No. 19791, File No. 92-A-L-53, and Leonard E. Orme, d/b/a Orme Flying Service, Montrose, Colo., Docket No. 19792, File No. 119-A-L-53. For Aeronautical Advisory Station to serve Montrose County Airport, Montrose, Colo.

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 authorty to operate an aeronautical advisory station at Montrose County Airport, Montrose, Colo., 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 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 fixed-base operation and 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;

[7] Commissioner H. Rex Lee absent.

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 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-based 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 Montrose County, Colo., and Leonard E. Orme, d/b/a Orme Flying Service, 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: July 24, 1973.

Released: July 26, 1973.

[SEAL]

CHARLES A HIGGINBOTHAM,
Acting Chief, Safety and Special Radio Services Bureau.

[FR Doc.73-16591 Filed 8-9-73;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meeting

AUGUST 1, 1973.

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

Special Committee No. 64, "MF, HF, and VHF Maritime Radioreleprinter and Data Systems and Operations", 38th meeting.

Tuesday, August 14, 1973—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. Discussion of Comments on FCC Notice of Inquiry for 1974 Maritime Radio 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).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16587 Filed 8-9-73;8:45 am]

FEDERAL MARITIME COMMISSION

ATLANTIC LINES, LTD. AND PAN AMERICAN MAIL LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by August 29, 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:

Mr. S. Doolos
General Traffic Manager
Chester, Blackburn & Roder, Inc.
One World Trade Center—Suite 1035
New York, New York 10048

Agreement No. 9864-3, between Atlantice Lines, Ltd. (initial carrier), and Pan American Mail Line, Inc. (delivering carrier), modifies Articles 1(B) and 2 of the basic agreement which covers a through billing arrangement for the movement of general cargo from U.S. Atlantic and Gulf ports to (1) expand the ports of discharge under the agreement to include ports in the Leeward and Windward Islands and the Guianas when transshipment is effected at Tortola, British Virgin Islands and (2) provide that the through rates to such ports shall be those as published in the Leeward and Windward Islands and Guianas Conference S.B. L&W 10, Freight Tariff FMC No. 1, in effect at time of shipment.

Dated: August 6, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16615 Filed 8-9-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01092	THOR DAHLS HVALFANGERSELSKAP A/S: THORSAGA
01103	POSEIDON SCHIFFAHRT GESELLSCHAFT MIT BESCHRANKTER HAFTUNG: COLUMBUS CALIFORNIA
01198	A/S DOVREFJELL AND A/S FALKEFJELL: JOTUNFJELL
01305	ROYAL MAIL LINES LTD.: ORTEGA
01428	OCEAN TRANSPORT & TRADING LIMITED: HECTOR
01466	COMMON BROTHERS (MANAGEMENT) LIMITED: CHESHIRE ENDEAVOUR
01558	NOLARMA-NOLEGGI & ARMAMENTO S.N.C.: MASANO
01562	G. W. GLADDERS TOWING CO. INC: STC 2506 STC 2507
01861	BP TANKER COMPANY LIMITED: BRITISH TRENT
01986	AKTIEBOLAGET TRANSMARIN: BERNHARDINA
02038	POLSKIE LINIE OCEANICZNE: ANDRZEJ STRUG
02039	"GRYF" DEEP SEA FISHING COMPANY": LATERNA LIKOSAR
02146	PITTSTON MARINE CORPORATION: SUFFOLK
02166	JAN-ERIK DYVI SKIPSREDERI: HUAL SKAGERAK
02195	WELSH ORE CARRIERS LIMITED: WELSH ENDEAVOUR
02256	SIGURD HAAVIK A/S: VIKFREEZER
02367	CANADIAN PACIFIC (BERMUDA) LTD.: W. A. MATHER
02369	TSONELMAR MARITIME CORPORATION S.A. PANAMA: EVI T
02417	NORFOLK, BALTIMORE & CAROLINA LINE, INC.: CONTAINER TRANSPORT NO. 3
02473	IRISH SHIPPING LTD.: IRISH LARCH
02475	HOUSTON BARGE LINE, INC.: HBL 3012 HBL 3014
02494	SIMMS BROS. TOWING COMPANY INC.: C & H 106
02600	BELGO-AMERICAN STEAMSHIP COMPANY S.A.: BELGO MERCHANT
02836	THE SCINDIA STEAM NAVIGATION CO. LTD.: WALCHAND
02911	SIG. BERGESEN D.Y. & COMPANY: BERGE EDDA
02950	TONY BARGE COMPANY, INC.: GWG 202
02958	KAWASAKI KISEN K.K.: SETAGAWA MARU
02982	THE SHIPPING CORPORATION OF INDIA LTD.: VISHVA YASH

Certificate No.	Owner/Operator and Vessels
03139---	OFFSHORE MARINE LIMITED:
	BASS SHORE
03279---	DELTA STEAMSHIP LINES, INC.:
	DELTA MAR
03441---	JAPAN LINE K.K.:
	JAPAN ASTER
	JAPAN COSMOS
	WORLD SOVEREIGN
03447---	K. K. KYOKUYO:
	SATSUKI MARU
03449---	KOKUDO SANGYO K. K.:
	TSURUSAKI MARU
03467---	NICHIRO GYOGYO K.K.:
	SHINANO MARU
	KAIKO MARU
03480---	OSAKA SENPAKU K.K.:
	HAVANA MARU
03489---	SANWA SHOSEN K.K.:
	SHINKO MARU
03499---	EL-YAM BULK CARRIERS (1967) LTD.:
	HAR CARMEL
03519---	TOKO SHOSEN K.K.:
	DAIKO MARU
03532---	ZUISEI KAIUN K.K.:
	NILE MARU
03557---	OLSEN DAUGHTER A/S:
	GULDREGN
03658---	OCEAN TANKSHIPS CORPORATION NEW YORK:
	OVERSEAS NATALIE
03736---	BETHLEHEM STEEL CORPORATION:
	STEWART J. CORT
04004---	KONINKLIJKE JAVA-CHINA PAKETVAART LIJNEN N.V.:
	STRAAT FRESCO
04077---	FRITZEN SCHIFFSAGENTUR UND BEREEDERUNGS-GMBH:
	YEMANJA
04136---	THOMAS MARINE COMPANY:
	T-5000
	T-6000
	FTW-14
	FTW-16
	C-202
04265---	KERKETIS COMPANIA MARITIMA S.A.:
	CAPETAN
04289---	DIXIE CARRIERS, INC.:
	DIXIE POWER
04389---	ROEN STEAMSHIP COMPANY:
	JOHN PURVES
04423---	MARCONA CARRIERS LTD.:
	MARCONA CONVEYOR
04454---	SATSUMARU KAIUN K. K.:
	SATSUMARU NO. 57
04546---	MR. TOSHIKAZU MIKI:
	KYOWAMARU NO. 28
	KYOWAMARU NO. 21
04564---	YAMASHITA-SHINNIHON KISEN KAISHA:
	MUNETAMA MARU
	SHINYO MARU
04679---	RATNAKAR SHIPPING COMPANY LIMITED:
	RATNA MANORAMA
05016---	HESS OIL VIRGIN ISLANDS CORP.:
	TEAGUE BAY
05098---	ESSO TANKERS INC.:
	ESSO SINGAPORE
05175---	MARINE FUEL SUPPLY AND TOWING, INC.:
	B-10
05122---	SANYU KISEN K.K.:
	YOSHU MARU
05278---	TWIN CITY BARGE & TOWING COMPANY:
	EVENING STAR
	TCB 73
	TCB 74
05472---	NATIONAL SHIPPING CORPORATION:
	CHENAB
05520---	UNION CARBIDE CORPORATION:
	ELLIS-2121
	ELLIS-2123
05579---	BLACK SEA SHIPPING COMPANY:
	KAPITAN DZHURASHEVICH
	VALERY MEZHLAUK
05580---	KAMCHATKA SHIPPING COMPANY:
	SURGUT
05624---	P.N. PERTAMBANGAN MINJAK DAN GAS BUMI NASIONAL (PERTAMINA):
	PERMINA SAMUDRA IX
05846---	"NORDSEE" DEUTSCHE HOCHSEEFISCHEREI GMBH:
	MAINZ
	STUTTGART
05886---	HUGHES BROS., INC.:
	HUGHES NO. 50
	HUGHES NO. 51
	HUGHES NO. 258
	HUGHES NO. 130
	HUGHES NO. 131
	HUGHES NO. 132
	HUGHES NO. 133
	HUGHES NO. 43
	HUGHES NO. 45
	HUGHES NO. 47
05985---	MURATA GYOGYO KABUSHIKI KAISHA:
	TAIKOMARU NO. 68
06149---	THOMAS TOWING CORP.:
	T-30
06248---	COMMERCIAL CORPORATION "SOVRYBFLOT":
	FLOATING DOCK NO. 434
06399---	TOKUMARU KAIUN K.K.:
	DAITOKU MARU NO. 28
	DAIHO MARU
06570---	KRISTIAN JEBSEN (U.K.) LIMITED:
	SEALNES
06660---	PETROLEUM DISTRIBUTING CO., INC.:
	LUMINETTA
06687---	GLOBUS SHIPPING & TRADING CO. (PTE.) LTD.:
	ALDERJO
06709---	AHJIN HAEWOON JUSHIK HOESA:
	SANGJIN
06827---	PARTENREEDEREI HAMBURGER MICHEL HAMBURG:
	HAMBURG MICHEL
06877---	SOCIETE FRANCAISE DE TRANSPORTS MARITIMES PARIS:
	CHIMISTE NANTES
06903---	SUN SHIPBUILDING & DRY DOCK COMPANY:
	LURLINE
07230---	HASSEI TRADING CORPORATION:
	SEASTAR
	HERCULES BULKER
07326---	UNIVERSAL MARINES LINES INC., S.A.:
	SPACE KING
	MEDITERRANEAN SEA
07363---	MARTIN TRANSPORT, INC.:
	M.T.I.
07373---	LYMBER LINE, S.A.:
	PANOS
07374---	OCEAN TRAMPING COMPANY LIMITED:
	WEILI
	WEIMIN
	WEIKUO
	KAISING
	HUNGSIA
	KAIYUN
	KAILOK
	NANHUA
	NANTAO
	NANCHENG
	NANKUO
07382---	MARUSHIN SENPAKU KABUSHIKI KAISHA:
	UNITED TRADER
07467---	DAE WANG FISHERIES CO., LTD.:
	"DAE WANG NO. 202"
07566---	PANTOKRATOR COMPANIA NAVIERA S.A.:
	IAMATIKOS
07686---	WINDWARD SHIPPING CO. LTD.:
	ENRUS
07721---	SEVEN SEAS TRANSPORTATION LIMITED:
	SATYA SOHAN
07762---	JOKULL LTD.:
	RAUDINUPUR
07817---	YICK FUNG SHIPPING AND ENTERPRISES CO. LTD.:
	IRISH SEA
	PACIFIC OCEAN
	INDIAN OCEAN
	NEW EAST SEA
	ARABIAN SEA
	CELEBES SEA
	ROSS SEA
	ARTIC OCEAN
	ZUIDER SEA
	BALTIC SEA
	KARA SEA
	CHEUNG CHAU
	BARENTS SEA
	BERING SEA
07823---	APEX BULK CARRIER CO., LTD., INC.:
	CRESSIDA
07858---	COMPANIA SUSIE S.A.:
	KATINA
07860---	BREEZE SHIPPING S.A.:
	NORTHERN BREEZE
07888---	MS CAPE MAGDALENA SHIPPING CO. S.A., MONROVIA:
	CAPE MAGDALENA
07935---	INDEPENDENT LIGHTERAGE COMPANY:
	OAK
	ELM
08012---	NEA GALINI SHIPPING CO. S.A. PANAMA:
	GALINI
08019---	TAIMO STEAMSHIP CO. S/A:
	ASIA TAIMO
08030---	NEA TYCHI SHIPPING COMPANY SA OF PANAMA:
	TYCHOS
08072---	MARORBE NAVIERA S.A.:
	VASSOS GEORGIADIS
08077---	VICMAR STAR SEA CARRIERS S.A. PANAMA:
	VICMAR STAR
08081---	TANKER INTERNAZIONALE S.P.A.:
	TRANSOCEANICA MARIO
08091---	PARTREDERIET BRAVO II:
	ANNE BRAVO
08112---	LONDON NAVIGATION CO. LTD.:
	OCEAN PRINCE
08120---	EMPRESA NAVIERA PERUANA, S.A.:
	PISCO
08121---	MARDINA SHIPPING (INTERNATIONAL) LTD.:
	MARDINA TRADER
08128---	PESCANAO S.A.:
	FLIPPER
08129---	CALTEC MARITIME SA:
	CALTEC TRADER
08130---	GREAT CIRCLE MARINE LIMITED:
	BOLINA
08133---	GOOD COMMANDER SHIPPING COMPANY LTD.:
	GOOD FRIEND

Certificate No.	Owner/Operator and Vessels
08136---	DONG BANG OCEAN FISHERIES CO., LTD.: NO. 51 DONG BANG
08140---	INTEROCEAN SEALANES CORPORATION: ANDROS MELTEMI
08141---	IERAX COMPANIA NAVIERA, S.A.: IERAX
08150---	CROSS SEAS SHIPPING CORPORATION: ARCTURUS BELLATRIX BETELGEUSE DENEBOLA
08155---	FAIRWIND SHIPPING CO. S.A.: CLASSIC
08156---	SINCERE NAVIGATION COMPANY INCORPORATED; EASTERN FISHERIES NO. 1
08171---	TRANSMUNDO ARMADORA S.A. PANAMA; MAIR
08177---	OCEAN BULKERS (U.K.) LIMITED; HALCYON ISLE HALCYON COVE

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16609 Filed 8-9-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 859]

MADER & CO.

Order of Revocation

By letter dated June 28, 1973, Mader & Co., P.O. Box 668, Dania, Florida 33004 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 859 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 25, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Mader & Co. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 859 of Mader & Co. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 859 be and is hereby revoked effective July 25, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Mader & Co.

WM. JARREL SMITH, JR.,
Deputy Managing Director.

[FR Doc.73-16611 Filed 8-9-73;8:45 am]

[Docket No. 73-35]

INTERMODAL SERVICE OF CONTAINERS AND BARGES AT THE PORT OF PHILADELPHIA

Amendment to Order of Investigation and Hearing

At page 3 of the order served June 18, 1973, amend the first ordering paragraph by inserting, after the word "calls" in line 5 of the paragraph, the following phrase:

"* * * from or to other East Coast ports of the United States in the domestic and foreign trades * * *"

Make the following changes in the Appendix:

Delete heading "Greece/U.S.A. Westbound Freight Conference (Agreement 9238)" and insert "Greece/United States Atlantic Rate Agreement 9238" and insert thereunder "Mr. T. P. Walsh, Secertary, Concordia Line, c/o Boise Griffin Steamship Co., One World Trade Center, Suite 3811, New York, New York 10048."

Delete "Turkey/U.S.A. Westbound Freight Conference (Agreement 9239)" and insert "Turkey/United States Atlantic Rate Agreement 9239" and insert thereunder "Mr. T. P. Walsh, Secertary, Concordia Line, c/o Boise Griffin Steamship Co., One World Trade Center, Suite 3811, New York, New York 10048."

Under Portugal/U.S. North Atlantic Westbound Freight Conference add "Sea-Land Service, Inc. P.O. Box 1050, Elizabeth, New Jersey 07207" as a member.

Under North Atlantic Westbound Freight Association, add "Bristol City Line, Ltd., Cumberland Road, Bristol, England" as a member.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16610 Filed 8-9-73;8:45 am]

[Docket No. 73-46]

PACIFIC ISLANDS TRANSPORT LINE

Order of Investigation and Suspension

Pacific Islands Transport Line (PITL) has filed with the Federal Maritime Commission various pages (see Appendix A) to its Tariff FMC-F No. 2 to become effective July 15, 1973. These pages will increase ocean freight rates on cargo moving Westbound by an average of 23 percent, with certain exceptions. The exceptions are: 1) Westbound rates for "Refrigerated Cargo" and "Lumber" which will be increased by 6 percent; and 2) The Westbound rate on "Bulk Vegetable Oil" which will be increased 10 percent. The minimum bill of lading charge applying on "Motion Picture Films and Motion Picture Advertising Matter" will be increased 40 percent.

On June 15, 1973, PITL was advised to take steps to postpone the rate increases until August 13, 1973, in order to comply with the President's order freezing prices to that date. PITL filed such a postponement supplement.

Protests relating to increases of ocean freight rates in the United States/Samoa trade were received from American Can Company; American Samoa Chamber of Commerce; Max Haleck, Inc.; the Honorable John M. Haydon, Governor of Samoa; Ivi S. Pele; President Salanoa, Speaker Pro Tem Faasuka S. Lutu, Senator Tagaloa and Representative Seufagafaga Langkilde; Sawyer Sifoa Co., Inc.; Mrs. W. R. Seacord and the United States Department of the Interior. All of the protests alleged that an increase in ocean freight rates would have an unfavorable effect on the well being of the American Samoan people and on the economic development of the territory.

Upon consideration of the said tariff pages, and the protests filed thereto, the Commission is of the opinion that the above designated tariff matter should be suspended and made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing, therefore:

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges and the proposed new rates and charges published on the tariff pages listed in Appendix A with a view toward making such findings and orders as the law, the facts and the circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the pages listed in Appendix A are suspended and the use thereof deferred to and including November 1, 1973 unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by PITL a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until November 1, 1973 unless otherwise authorized by the Commission and the rates and charges or other provisions heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Pacific Islands Transport Line be named as respondent in this proceeding;

It is further ordered, That American Can Company; American Samoa Chamber of Commerce; Ivi S. Pele; President Salanoa, Speaker Pro Tem Faasuka S. Lutu, Senator Tagaloa and Representative Seufagafaga Langkilde; Sawyer Sifoa Co., Inc.; Mrs. W. R. Seacord; and the United States Department of the Interior be named as Complainants in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of this Commission's Office of Administrative Law Judges and that the hearing be held at a place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That, (1) a copy of this order be forthwith served upon the Respondent and Complainants herein and upon this Commission's Bureau of Hearing Counsel and published in the FEDERAL REGISTER; and (2) the Respondent, Complainants, and Hearing Counsel be duly served with notice of time and place of the hearing;

It is further ordered, That the provisions of rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission promptly and file Petitions for Leave to Intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

PACIFIC ISLANDS TRANSPORT LINE
TARIFF FMC-F NO. 2

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7th Revised Page 18
6th Revised Page 19

[FR Doc.73-16613 Filed 8-9-73;8:45 am]

[Docket No. 73-47]

POLYNESIA LINE, LIMITED

Order of Investigation and Suspension

Polynesia Line, Limited (PLL) filed with the Federal Maritime Commission various pages (see Attachment A) to its Tariff FMC-F No. 2 to become effective June 25, 1973. These pages will increase both East and Westbound rates by approximately 24 percent.

On June 15, 1973, PLL was advised to take steps to postpone the rate increases until August 13, 1973, in order to comply with the President's order freezing prices to that date. PLL filed such a postponement supplement.

Protests relating to increase of ocean freight rates in the United States/Samoa trade were received from American Can Company; American Samoa Chamber of Commerce; Max Haleck, Inc.; the Honorable John M. Haydon, Governor of Samoa; Ivi S. Pele; President Salanoa, Speaker Pro Tem Faasuka S. Lutu, Senator Tagaloa and Representative Seufagafaga Langkilde; Sawyer Sifoa Co., Inc.; Mrs. W. R. Seacord; and the United States Department of Interior. All of the protests alleged that an increase in ocean freight rates would have an unfavorable effect on the well being of the American Samoan people and on the economic development of the territory.

Upon consideration of the said tariff pages, and the protests filed thereto, the Commission is of the opinion that the above designated tariff matter should be suspended and made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing, therefore;

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges and the proposed new rates and charges published on the tariff pages listed in Appendix A with a view toward making such findings and orders as the law, the facts and the circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the pages listed in Appendix A, are suspended and the use thereof deferred to and including November 1, 1973 unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by PLL a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until November 1, 1973, unless otherwise authorized by the Commission; and the rates and charges or other provisions heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter, which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Polynesia Line, Limited be named as Respondent in this proceeding;

It is further ordered, That American Can Company; American Samoa Chamber of Commerce; Ivi S. Pele; President Salanoa, Speaker Pro Tem Faasuka S. Lutu, Senator Tagaloa and Representative Seufagafaga Langkilde; Sawyer Sifoa Co., Inc.; Mrs. W. R. Seacord; and the United States Department of the Interior be named as Complainants in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of this Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That, (1) a copy of this order be forthwith served upon the Respondent and Complainants herein and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (2) the Respondent, Complainants and Hearing Counsel be duly served with a notice of time and place of the hearing;

It is further ordered, That the provisions of rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of rule 12(h) which requires leave of the Commission to request admissions of fact and genuiness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

All persons (including individuals, corporations, associations, firms, partner-

ships and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission promptly and file Petitions for Leave to Intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

POLYNESIA LINE, LIMITED TARIFF FMC-F-2

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1st Revised Page 21C
3rd Revised Page 22
1st Revised Page 22A

[FR Doc.73-16612 Filed 8-9-73;8:45 am]

STATE OF HAWAII MATSON NAVIGATION CO., INC. AND MATSON TERMINALS, 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, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by August 29, 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:

David V. Ainsworth, Esq.
Counsel
Matson Navigation Company
100 Mission Street
San Francisco, California 94105

Agreement No. T-2171-3, among the State of Hawaii (Hawaii), Matson Navigation Co., Inc. (Matson), and Matson Terminals, Inc. (Terminals), is an assignment of the basic agreement which provides for the lease of marine terminal space by Hawaii to Matson for use, primarily, as a container facility. The purpose of the modification is the assignment by Matson of the original terminal lease as amended, with the consent of Hawaii, to its wholly owned subsidiary, Terminals. All other provisions of the original lease as amended will remain unchanged.

Dated: August 3, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-16614 Filed 8-9-73;8:45 am]

COST OF LIVING COUNCIL

NATIONAL COMMISSION FOR INDUSTRIAL PEACE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the National Commission for Industrial Peace, created by Executive Order 11710, will meet on August 14, 1973 at 2 p.m. in Conference Room 4121 of the U.S. Treasury Building.

The first portion of the meeting will be open to the public. The chairman of the committee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Only members of the committee and its staff may question the witnesses. The chairman may, if he believes it would be useful to the work of the committee and time permits, entertain questions from the floor. Due to space limitations, it is possible that there will not be enough seating. For that reason persons will be admitted on a first-come first-served basis.

The agenda for the open portion of the meeting will be the presentation of two proposals, one given by the representatives of the Federal Mediation and Conciliation Service and one given by representatives of the Commission on Productivity.

The second portion of the meeting, which will be closed to the public, will be a discussion of the roll of the Commission for Industrial Peace in Phase IV.

Since these discussions, if written, would fall within exemption (5) of 5 USC 552(b and since it is necessary to close the meeting if there is to be a free exchange of views, I have determined under the authority granted me by Executive Order 11729 that this portion of the meeting should be closed pursuant to section 10(d) of the Federal Advisory Committee Act.

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

WILLIAM WALKER, *General Counsel, Cost of Living Council.*

[FR Doc.73-16787 Filed 8-9-73;12:19 pm]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

NOTICE OF PUBLIC MEETING

Notice is hereby given, PL 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held at 7:00 a.m., August 17, 1973 through August 18, 1973 at 3:00 p.m. An on-site visit is scheduled for the Council in Staunton, Virginia on the 17th of August.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of Disadvantaged Children.

The meeting is being called to discuss subcommittee findings from the federal, administrative and legislative levels, and how they can improve the educational attainment for the disadvantaged child.

Because of limited space for the public meeting of August 18 all persons wishing to attend should call for reservations at Area Code 202/632-5221 by August 15, 1973.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located in Room 202, 1717 H Street, NW., Washington, D.C. 20006.

Signed at Washington, D.C. on August 7, 1973.

ROBERTA LOVENHEIM, *Executive Director.*

[FR Doc.73-16635 Filed 8-9-73;8:45 am]

POSTAL SERVICE

POSTAL SERVICE ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that a meeting of the Postal Service Advisory Council will be held on Monday, August 20, 1973, at 10:00 a.m. in Room 3146, U.S. Postal Service, Twelfth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20260. The Postal Service Advisory Council was established by 39 U.S.C. 206 which provides that "[t]he Postal Service shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations."

The meeting has been called to consider the impact of the Federal Advisory Committee Act upon the Council. The meeting is open to the public. Persons wishing to be present or to obtain further information on this meeting should contact Mrs. Sally Jones, Secretary to the Senior Assistant Postmaster General, Policy Matters, Room 5202, U.S. Postal Service, at the street address shown above. (Telephone Number: (202) 961-6273.)

ROGER P. CRAIG, *Deputy General Counsel.*

AUGUST 7, 1973.

[FR Doc.73-16627 Filed 8-9-73;8:45 am]

TARIFF COMMISSION

[AA1921-125]

GERMANIUM POINT CONTACT DIODES FROM JAPAN

Rescheduling of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921-25, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C., beginning at 10 a.m., e.d.t., on Tuesday, August 14, 1973, has been rescheduled for 10 a.m. e.d.t., on August 27, 1973. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Thursday, August 23, 1973.

Written submissions. Interested parties may submit written statements of information and views, in lieu of their appearance at the public hearing, or they may supplement their oral testimony by written statements of any desired length. In order to be assured of consideration, all written statements should be submitted at the earliest practicable date, but not later than the close of business on September 6, 1973.

The hearing is being held in connection with a Commission investigation under the provisions of section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of germanium point contact diodes from Japan which the Assistant Secretary of the Treasury has determined are being, or are likely to be, sold at less than fair value. Notice of the investigation was published in the FEDERAL REGISTER of July 16, 1973 (38 FR 18931).

Issued: August 8, 1973.

By order of the Commission.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.73-16704 Filed 8-9-73;8:45 am]

VETERANS ADMINISTRATION

WAGE COMMITTEE

Notice of Meetings

The Veterans Administration gives notice that meetings of the VA Wage Committee will be held at the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., on:

Thursday, August 30, 1973.
Thursday, September 13, 1973.
Thursday, September 27, 1973.
Thursday, October 11, 1973.
Thursday, October 25, 1973.

The meetings will convene in Room 1100 at 2 p.m. for the purpose of reviewing the adequacy of data obtained in wage surveys conducted under the lead of VA field stations and under the procedure requirements of the Federal Wage System.

The meetings will be closed to the public under the provisions of section 10(d) of Public Law 92-463, based on the confidential nature of information under consideration.

Dated: August 6, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-16586 Filed 8-9-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Notice of Meetings

Notice is hereby given that the Standards Advisory Committee on Agriculture, and its subcommittees on Machinery Guarding, Nuisance Dust, Personal Protective Equipment, Farm Safety Education, and Livestock Handling, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Monday, August 20, 1973, starting at 8:30 a.m., and on Tuesday, August 21, 1973, starting at 8:15 a.m. in Conference Room B, Department Auditorium, on Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C.

The agenda provides for the full committee to meet in an introductory session each day, after which the subcommittees will meet in separate sessions. The subcommittee meeting rooms will be announced at the introductory sessions. The subcommittees on Farm Safety Education, Machinery Guarding, Nuisance Dust, and Personal Protective Equipment are scheduled to meet on August 20. The subcommittees on Farm Safety Education, Livestock Handling, and either Nuisance Dust or Personal Protective Equipment are scheduled to meet on August 21. Each Subcommittee will continue the development of its recommendations begun at previous meetings. At 11:00 a.m. on August 21, 1973, the full committee will meet to receive and consider any interim or final recommendations of the subcommittees.

The meetings shall be open to the public. Written data, views, or arguments concerning the subjects to be considered may be filed, together with 20 copies thereof, with the Committee's Executive Secretary by August 16, 1973, or by filing them with the Executive Secretary at the meetings. Any such submissions, timely received, will be provided to the members of the committee and will be included in the record of the meetings.

Persons wishing to orally address the committee or subcommittees at any of the meetings should submit a written request to be heard, together with 20 copies thereof, to the Executive Secretary no later than August 16, 1973. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meetings the chairman will announce whether oral presentations will be allowed, and if so, under what conditions.

Communications to the Executive Secretary should be addressed as follows:

Executive Secretary
Standards Advisory Committees,
OSHA-OSMC
Railway Labor Building, Room 509
U.S. Department of Labor,
Washington, D.C. 20210

Signed at Washington, D.C., this 8th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-16684 Filed 8-9-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 316]

ASSIGNMENT OF HEARINGS

AUGUST 7, 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 6078 Sub 69, D. F. Bast, Inc., application is dismissed.

MC-FC-73661, Bianchi Transportation Company, Inc. Old Bridge, New Jersey, Transferee and Bianchi Truck Line, Inc., Klemmer Kalteissen, Trustee, Old Bridge, New Jersey, Transferor, now assigned August 24, 1973, will be held in Room E-2222, 26 Federal Plaza, New York City, N.Y.

I & S No. 8865, T.O.F.C. Service, Between New York, N.Y., and New England Points, now assigned September 12, 1973, at New York, N.Y., will be held in Room E-2222, 26 Federal Plaza.

MC 136839, Josephine Koffman and Nancy J. Nimmo, Dba Bergen Limousine Rental Service, now assigned September 10, 1973, at New York, N.Y., will be held in Room E-2222, 26 Federal Plaza.

MC 121082 Sub 5, Allied Delivery System, Inc., continued to October 2, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 30032 Sub 3, Houdek Motor Service, Inc., now assigned September 10, 1973, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC-105566 Sub 92, Sam Tanksley Trucking, Inc., now assigned September 10, 1973, will be held in Room 2, State Office Bldg., 65 South Front Street, Columbus, Ohio.

MC-134599 Sub 53 & Sub 73, Interstate Contract Carrier Corp., now assigned September 11, 1973, will be held in Room 4, State Office Bldg., 65 South Front Street, Columbus, Ohio.

MC-119632 Sub 56, Reed Lines, Inc., now assigned September 13, 1973, will be held at 255 Federal Bldg. & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio.

MC-F-11758, Sun Investment, Inc.,—Purchase—Dieckbrader Express, Inc., now assigned September 17, 1973, will be held in Suite D, Christopher Inn, 300 East Broad Street, Columbus, Ohio.

MC 118468 Sub 33, Umthun Trucking Co., now being assigned hearing October 1, 1973 (3 days), in Room 286, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Chicago, Ill.

MC 117574 Sub 220, Daily Express, Inc., now assigned September 17, 1973, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

I & S NO. 8587, Soybeans & Wheat, Arkansas & Louisiana To Louisiana Ports, now assigned August 8, 1973, at Washington, D.C., postponed to August 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116519 Sub 17, Frederick Transport, LTD, now assigned September 24, 1973, MC 107012 Sub 162, North American Van Lines, Inc., now assigned September 26, 1973, MC 113495 Sub 56, Gregory Heavy Haulers, Inc., now assigned October 4, 1973, will be held in Room 286, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Chicago, Ill.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16595 Filed 8-9-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 7, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before August 27, 1973.

FSA No. 42727—*Vinyl Chloride from Norco, Louisiana*. Filed by Southwestern Freight Bureau, Agent, (No. B-429), for interested rail carriers. Rates on vinyl chloride, in tank-car loads, as described in the application, from Norco, Louisiana, to specified points in eastern territory.

Grounds for relief—Market Competition.

Tariff—Supplement 22 to Southwestern Freight Bureau, Agent, tariff 12-H, I.C.C. No. 5043. Rates are published to become effective on September 5, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16597 Filed 8-9-73;8:45 am]

[Notice 332]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 30, 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-74524. By order of August 3, 1973, The Motor Carrier Board approved the transfer to Miller Transportation, Inc., Worthington, Ohio, of Certificate of Registration No. MC-121046 (Sub-No. 2), issued June 28, 1965, to B. A. Miller & Sons Trucking, Inc., Liberty Center, Ohio, evidencing a right to engage in transportation in interstate commerce, corresponding in scope to Certificate of Convenience and Necessity Nos. 2845-I and 9153-I dated May 13, 1960, as reissued October 20, 1961, and transferred to B. A. Miller & Sons Trucking, Inc., November 27, 1964, issued by the Public Utilities Commission of Ohio. A. Charles Tell, 100 East Broad St., Columbus, Ohio, 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16596 Filed 8-9-73;8:45 am]

[Notice 106]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 6, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. 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 (6) 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 647 (Sub-No. 9 TA) filed July 24, 1973 Applicant: EXHIBITORS SERVICE COMPANY 85 Helen Street McKees Rocks, Pa. 15136 Applicant's representative: William J. Lavelle 2310 Grant Building Pittsburgh, Pa. 15219 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and foodstuffs*, in vehicles equipped with mechanical refrigeration, between points in Allegheny County, Pa., on the one hand, and, on the other, Batavia, Bath, Buffalo and Canandaiqua, N.Y., for 180 days. SUPPORTING SHIPPER: North Pole Storage Co., 295 W. Steuben Street, Pittsburgh, Pa. 15205. 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 2226 (Sub-No. 103 TA) filed July 26, 1973 Applicant: RED ARROW FREIGHT LINES, INC. P. O. Box 1897, 3901 Sequin Rd. San Antonio, Tex. 78206. Applicant's representative: Eugene C. Daniel (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between specified points in Texas, including points in all commercial zones as follows: (1) Between Dallas and Amarillo, serving Fort Worth, Wichita Falls and all intermediate points between Wichita Falls and Amarillo, as follows: (a) From Dallas over Interstate Highway 35 E to Denton and thence over U. S. Highway 380 to Decatur, from Dallas over Texas Highway 114 to Rhome and from Dallas over the Texas Turnpike Authority Toll Road to Forth Worth and thence over U. S. Highway 287 to Decatur, thence over U. S. Highway 287 to Amarillo, and return over the same route; (b) from Fort Worth over Texas Highway 199 to Jacksboro, thence over U. S. Highway 281 to Wichita Falls, and return over the same route; (2) Between Fort Worth and Lubbock, serving all intermediate points between Jacksboro and Lubbock, and the off-route point of Hurlwood west of Lubbock, as follows: From Fort Worth over Texas Highway 199 via Jacksboro to Seymour, thence over U. S. Highway 82 to Lubbock, and return over the same route; (3) Between Wichita Falls and Abilene, serving all intermediate points except Weinert, Haskell, points between Abilene and Stamford on U. S. Highway 277 and Albany, as follows: (a) From Wichita Falls over U. S. Highway 277 to Abilene, and return over the same route; (b)

From Wichita Falls over Texas Highway 79 to Throckmorton, thence over U. S. Highway 283 to Albany, thence over U. S. Highway 180 to junction with Texas Highway 351, thence over Texas Highway 351 to Abilene, and return over the same route; (4) Between Jacksboro and Rule, serving all intermediate points except Haskell and those between Jacksboro and Graham, serving South Bend, Eliasville, Ivan and Woodson as off-route points, and serving Jacksboro as a point of joinder only, as follows: From Jacksboro over U. S. Highway 380 to Rule, and return over the same route; (5) Between Stamford and Benjamin, serving all intermediate points as follows:

From Stamford over Texas Highway 6 to junction Texas Highway 283, thence over Texas Highway 283 to Benjamin, and return over the same route; (6) Between Vernon and Hereford, serving all intermediate points and the off-route points of Fargo, Roaring Springs and Glenn, as follows: from Vernon over U. S. Highway 70 to Olton, thence over Farm-to-Market Road 168 to Hart, and from Plainview over Texas Highway 194 to Hart, thence over Texas Highway 194 to junction U. S. Highway 385, thence over U. S. Highway 385 to Hereford, and return over the same route; (7) Between Ralls and Estelline, serving all intermediate points as follows: From Ralls over Texas Highway 207 to Silvertone, thence over Texas Highway 86 to Estelline, and return over the same route; (8) Between Amarillo and Farwell, serving all intermediate points and the United States Helium Plant west of Amarillo as an off-route point, as follows: From Amarillo over U. S. Highway 60 to Farwell, and return over the same route; (9) Between Idalou and Plainview, serving all intermediate points and the off-route point of Peterburg, as follows: From Idalou over U. S. Highway 82 to junction Farm-to-Market Road 400, thence over Farm-to-Market Road 400 to Plainview, and return over the same route; (10) Between Wichita Falls and Sheppard Air Force Base and the Wichita Falls Airport and/or Kell Field, serving all intermediate points, as follows: From Wichita Falls over U. S. Highway 277 and 281 to their intersection with unnumbered county road to Sheppard Air Force Base and the Wichita Falls Airport and/or Kell Field, and return over the same route; (11) Between Olney and Newcastle, serving all intermediate points, as follows:

From Olney over Texas Highway 251 to Newcastle, and return over the same route; (12) Between Jean and intersection of Farm-to-Market Road 1769 and U.S. Highway 380, serving all intermediate points as follows: From Jean over Farm-to-Market Road 1769 to its intersection with U.S. Highway 380, and return over the same route; (13) Between Seymour and Throckmorton, serving all intermediate points, as follows: From Seymour over U.S. Highway 283 to Throckmorton, and return over the same route; and (14) Over alternate routes for operating convenience only, serving no intermediate points and serving the termini for purpose of joinder only, as follows: (a) From Canyon over U.S. Highway 87 to Plainview, and return over the same route. (b) From Matador over Texas Highway 70 to Dickens, and return over the same route. (c) From Childress over U.S. Highway 62 to Paducah, and return over the same route. (d) From Quanah over Farm-to-Market Road 104 to junction U.S. Highway 70, and return over the same route. (e) From Knox City over Texas Highway 222 to Munday, and return over the same route. (f) From Graham over Texas Highway 16 to junction U.S. Highway 281 near Antelope, and return over the same route. NOTE: Applicant proposes to tack and to interline with and at all existing operations under MC 2226 and Subs. for 180 days. SUPPORTED BY: There are approximately 358 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: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway Building, Room 206, San Antonio, Tex. 78205.

No. MC 3094 (Sub-No. 20 TA) filed July 27, 1973 Applicant: SERVICE MOTOR FREIGHT, INC., 133 East Atlantic Avenue Lawnside, N.J. 08045 and Mail: P.O. Box 36 Barrington, N.J. 08007 Applicant's representative: A. Charles Tell Columbus Center 100 East Broad Street Columbus, Ohio 43215 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Whippany, N.J., to points in New York and Pennsylvania, for 90 days. SUPPORTING SHIPPER: International Paper Company, 220 East 42nd Street, New York, N.Y. 10017. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 30844 (Sub-No. 471 TA) filed July 25, 1973 Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial Street P.O. Box 5000 Waterloo, Iowa 50704 Applicant's representative: Paul Rhodes (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass rods, and glass tubing* (2) *glassware, glass containers, caps, covers, tops, stoppers, corrugated cartons and accessories for glassware and glass containers.* (1) From Millville and Vineland, New Jersey and Parkersburg, West Virginia to Syracuse, Nebraska and (2) From Millville, New Jersey to points in Colorado, Iowa, Minnesota, Missouri and Nebraska. SUPPORTING SHIPPERS: Wheaton Glass Co. Division of Weaton Industries, Wheaton Avenue, Millville, N.J. 08332. SEND PROTEST TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 44735 (Sub-No. 7 TA) filed July 2, 1973 Applicant: KISSICK TRUCK LINES, INC. 1600 Genessee P.O. Box 5687 Kansas City, Mo. 64102 Applicant's representative: Lucy Kennard Bell 910 Fairfax Building 101 West 11th St. Kansas City, Mo. 64105 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Kansas City, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Nebraska, Kansas and Oklahoma, for 180 days. SUPPORTED BY: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 107403 (Sub-No. 854 TA) filed July 23, 1973 Applicant: MATLACK, INC. 10 West Baltimore Avenue Lansdowne, Pa. 19050 Applicant's representative: John Nelson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic Acid*, in bulk, in tank vehicles. From Uncle Sam, La., to points in Texas and Oklahoma, for 180 days. SUPPORTING SHIPPERS: Thompson-Hayward Chemical Company, 5200 Speaker Road, P.O. Box 2383, Kansas City, Kans. 66110. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Wm. J. Green, Jr. Federal Bldg., 600 Arch. Room 3238, Philadelphia, Pa. 19106.

No. MC 107839 (Sub-No. 152 TA) filed July 27, 1973 Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC. 2121 East 67th Avenue Denver, Colo. 80216 Applicant's representative: Edward T. Lyons 1600 Lincoln Center Bldg. Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Grand Island, Nebr., to points in North Carolina, South Carolina, Georgia, Florida and Tennessee, for 180 days. SUPPORTING SHIPPER: Swift Fresh Meats Company, a Division of Swift & Company, 115 West Jackson Boulevard, Chicago, Ill. 60604. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 109649 (Sub-No. 16 TA) filed July 25, 1973. Applicant: L. P. TRANSPORTATION, INC., Gross & Main Sts., Chester, N.Y. 10918. Applicant's representative: Werner & Alfano 2 W. 45th

St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Everett, Mass. to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont, for 180 days. SUPPORTING SHIPPERS: Suburben Propane, Box 206, Whippany, N.J. 07981. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, 518 New Federal Building, Interstate Commerce Commission, Bureau of Operations, Albany, N.Y. 12207.

No. MC 109689 (Sub-No. 250 TA), filed July 26, 1973. Applicant: W. S. HATCH CO. Off: 643 South 800 West, Woods Cross, Utah. 84087 and Mail: P.O. Box 1825, Salt Lake City, Utah. 84110. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah. 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Roosevelt, Utah, to Henderson, Nev., for 180 days. SUPPORTING SHIPPER: Sun Oil Company of Pennsylvania, P.O. Box 2039, Tulsa, Okla. 74102 (O. L. Knapp, Manager, Transportation). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 94138.

No. MC 111729 (Sub-No. 392TA) filed July 24, 1973 Applicant: PUROLATOR COURIER CORP. 2 Nevada Drive Lake Success, (NHP–PO) N.Y. 11040 Applicant's representative: John M. Delany (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material related thereto*, (excluding motion picture film used primarily for commercial theatre and television exhibition), (a) Between Fargo, N. Dak., on the one hand, and, on the other, points in South Dakota. (2) *Business papers, records, audit and accounting media of all kinds*, and *advertising material*, (a) Between Troy, N.Y. on the one hand, and, on the other, Darien, Greenwich, and Norwalk, Conn; (b) Between Atlanta, Ga., on the one hand, and, on the other, Montgomery, Ala., points in Tennessee, west of the Tennessee River, and points in Florida, Mississippi, and Virginia; (c) Between Indianapolis, Ind., and Youngstown, Ohio; (d) Between Peoria, Ill., on the one hand, and, on the other, points in Missouri, Ohio, and West Virginia; and (e) Between Chicago, Ill., on the one hand, and, on the other, points in Iowa, for 180 days. SUPPORTING SHIPPERS: (1) Western Film Service, 701 North University Avenue, Fargo, N. Dak.; (2) Precision Marketing Associates, Inc., 90 Heights Road, Darien, Conn.; (3) Jones & Laughlin Steel Corporation, Specialty Steel Division, 2301 S. Holt Road, Indianapolis, Ind.; (4) McDonnell Douglas, Automation Company, 1124 North Berkely Ave., Peoria, Ill.; (5) J. C. Penny Company, Inc., 1301 Avenue of the Americas, New York, N.Y.; and (6) Comsearch (Subsidiary of Computer Research, Inc.), 10 So. La Salle, Chicago, Ill. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 115273 (Sub-No. 12 TA) filed July 26, 1973 Applicant: ACME CARRIERS, INC. 216 3rd Street Brookyln, N.Y. 11215 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by moter vehicle, over irregular routes, transporting: *Bom bodies*, from Garden City, N.Y., to Receiving Officer, Naval Ammunition Depot, McAlester, Okla., for 180 days. SUPPORTING SHIPPER: AMF Incorporated, 860 East Gate Blvd., Garden City, N.Y. 11530. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116073 (Sub-No. 280 TA) filed July 26, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and buildings, complete or in sections, transported on wheeled undercarriages, from the plantsite of Festival Homes of Alabama, Inc., in Pickens County, Ala., to points in Mississippi, Tennessee, Kentucky, Georgia, Florida, Arkansas and Louisiana, for 180 days. SUPPORTING SHIPPER: Festival Homes of Alabama, Inc., 100 Fleetwood Drive, P.O. Box 628, Reform, Ala. 35481. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 118610 (Sub-No. 16 TA) filed July 24, 1973. (Applicant: L & B EXPRESS, INC., P.O. Box 137, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, Box 733, Court House, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, urethane and urethane products, composition board, insulation materials, building, construction, and paving materials and supplies, and related materials, supplies, and accessories incidental thereto* (except commodities in bulk in all instances), from the plantsite and warehouses of The Celotex Corporation at or near Lockland, Ohio, to points in Virginia, West Virginia, Kentucky and Tennessee, restricted to shipments originating at the facilities of The Celotex Corporation, for 180 days. SUPPORTING SHIPPER: David H. Wetzel, Traffic Manager, The Celotex Corporation, 1500 North Dale Mabry, Tampa, Fla. 33607. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 118831 (Sub-No. 104 TA) filed July 23, 1973 Applicant: CENTRAL TRANSPORT, INCORPORATED P.O. Box 5044, Unharrie Rd. High Point, N.C. 27263 Applicant's representative: Richard E. Shaw (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, (1) from points in North Carolina, to points in Alabama, Florida, and Georgia; and (2) from points in South Carolina, to points in Alabama and Florida, for 180 days. SUPPORTING SHIPPERS: Piedmont Chemical Industries, West Chester Drive, High Point, N.C. 27260 and Westvaco Corporation, 299 Park Ave., New York, N.Y. 10017. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 138880 (Sub-No. 1 TA) filed July 27, 1973 Applicant: RED RIVER TRANSPORT & DEVELOPMENT CO., INC., doing business as AIR FREIGHT EXPRESS P.O. Box 66 Hawley, Minn. 56549 Applicant's representative: Donald G. Luthi (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those that require special equipment), between Minneapolis-St. Paul International Airport, Minneapolis, Minn. and Cloquet, Minn.; Duluth, Minn.; Superior, Wis.; Eveleth, Minn.; Virginia, Minn. and Hibbings, Minn., and return, restricted to the transportation of shipments having an immediate or subsequent movement by air, for 180 days. SUPPORTING SHIPPER: There are approximately 25 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: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 138896 (Sub-No. 1 TA) filed July 25, 1973 Applicant: AJAX TRANSFER COMPANY 550 East Fifth Street South Box 2 South St. Paul, Minn. 55075 Applicant's representative: Samuel Rubenstein 301 N. 5th Street Minneapolis, Minn. 55403 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Meats, meat products and meat by-products, dairy products and articles distributed by meat packing houses, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Minneapolis and St. Paul, Minn. and their commercial zones, to points in Gogebic, Houghton, Ontonagon, Marquette and Baraga Counties, Mich.; Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Douglas, Dunn, Eau Claire, Fond du Lac, Forest, Grant, Iron, Jackson, Juneau, La Crosse, Langlade, Lincoln, Marathon, Marquette, Monroe, Oneida, Outagamie, Pepin, Pierce, Polk, Portage, Price, Richland, Rusk, St. Croix, Sauk, Sawyer, Shawano, Taylor, Trempealeau, Vernon, Vilas, Washburn, Waupaca, Waushara, Winnebago, and Wood Counties, Wis., for 180 days. SUPPORTING SHIPPERS: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th St., Minneapolis, Minn. 55401.

By the Commission.

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

[FR Doc.73-16594 Filed 8-9-73;8:45 am]

[No. 35865]

SOYBEAN MEAL, IOWA, MINNESOTA, MISSOURI, AND NEBRASKA TO LAKE PORTS

Directing Modified Procedure Regarding Export

It is ordered; That this proceeding be handled under modified procedure; the filing and service of pleadings to be as follows: (a) Opening statement of facts and argument by respondent(s) and any parties supporting respondent(s) on or before 20 days from the service date of this order; (b) 30 days after that date, statement of facts and argument by protestant(s) and any supporting parties; and (c) reply by respondent(s) and any supporting parties 10 days thereafter.

And it is further ordered; That protestant(s) shall timely advise respondent(s) and this Commission of the identity, including addresses, of the individuals composing the protestant's(s') defense committee, if any, together with an indication of the number of copies of respondent's(s') statement which are desired, and to whom the copies are to be sent.

Dated at Washington, D.C., this 18th day of July, 1973.

By the Commission.[1]

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

REPRESENTATIVES OF THE PARTIES

John E. Harvey (Protestant)
Archer Daniels Midland Company
4666 Faries Parkway
Decatur, IL 62526
Louis T. Duerinck (Respondent)
Chicago and North Western Transportation Company
400 W. Madison St.
Chicago, IL 60606.

[FR Doc.73-16600 Filed 8-9-73;8:45 am]

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[1] Virginia Mae Brown presiding.

CUMULATIVE LISTS OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.

FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	*Date*
20423–20601	Aug. 1
20603–20798	2
20800–21139	3
21141–21235	6
21237–21380	7
21381–21479	8
21481–21613	9
21615–21735	10

federal register

FRIDAY, AUGUST 10, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 154

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to General Wage Determination Decisions

General wage determination decisions. General 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's 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 these procedures to be impractical and contrary to the public interest.

General 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 general wage determination decisions. Modifications and Supersedeas Decisions to General 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 General 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 rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

Modifications to general wage determination decisions. Modifications to General 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):

Alabama:	
AP–1105	June 23, 1973
Kentucky:	
AP–170; AP–171	Mar. 23, 1973
AP–188	Apr. 20, 1973
AP–189	May 18, 1973
AP–194	May 25, 1973
Louisiana:	
AQ–8	July 27, 1973
New Jersey:	
AP–809; AP–810	May 11, 1973
AP–826; AP–827; AP–829	May 18, 1973
Tennessee:	
AP–193	May 25, 1973
Texas:	
AP–725; AP–726; AP–728	Apr. 27, 1973
Virginia:	
AP–499	Mar. 30, 1973
AP–833	May 25, 1973
AP–856	June 22, 1973
AP–858	June 29, 1973

Supersedeas decisions to general wage determination decisions. Supersedeas Decisions to General 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):

Maryland:	
AP–842 (AQ–2004)	June 1, 1973
North Dakota:	
AQ–1001 (AQ–1011)	July 20, 1973
New Mexico:	
AQ–9 (AQ–18)	July 27, 1973
Washington, D.C.:	
AP–823 (AQ–2005)	May 18, 1973
Wyoming:	
AM–2476 (AQ–1010)	Aug. 27, 1971
AP–250 (AQ–1009)	Nov. 10, 1972

Signed at Washington, D.C., this 3d day of August 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1,105 - Mod. #2 (38 FR 16597 - June 23, 1973) Jefferson County, Alabama						
Change:						
Building Construction:						
Carpenters and Soft Floor Layers	$6.55	.30	.20		.04	
Piledrivermen	6.75	.30	.20		.04	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-170 - Mod. #3 (38 FR 7735 - March 23, 1973) Boyd County, Kentucky						
Change:						
Plumbers and steam fitters:						
Within a 5-mile radius of 17th Street and Winchester Ave., Ashland	$7.40	.35	.75	c+1.00	.10	
Over 5-mile and within 15-mile radius of 17th and Winchester Ave., Ashland	7.60	.35	.75	c+1.00	.10	
Over 30-mile radius of 17th Street and Winchester Ave., Ashland	7.90	.35	.75	c+1.00	.10	
Sprinkler fitters	9.30	.30	.50		.05	
Add:						
Plumbers and steam fitters:						
Over 15-mile and within 30-mile radius of 17th & Winchester Ave., Ashland	7.80	.35	.75	c+1.00	.10	
DECISION #AP-171 - Mod. #2 (38 FR 7738 - March 23, 1973) Jefferson County, Kentucky						
Change:						
Asbestos Workers	8.85	.30	.20			
Marble, tile and terrazzo workers' helpers	6.85					
Plumbers	8.55	.33	.50	.77	.07	
Sprinkler fitters	9.30	.30	.50		.05	
Steamfitters	8.65	.25	.60	.60	.07	
DECISION #AP-188 - Mod. #3 (38 FR 9935 - April 20, 1973) McCracken County, Kentucky						
Change:						
Plasterers	6.51			.25	.01	
Roofers	5.90		.10		.03	
Sprinkler fitters	9.30	.30	.50		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-189 - Mod. #1 (38 FR 13248 - May 16, 1973) Warren County, Kentucky						
Change:						
Plumbers	$8.55	.33	.50	.77	.07	
Steam fitters	8.65	.30	.60	.60	.07	
Add:						
Sprinkler fitters	9.30	.30	.50		.05	
DECISION #AP-194 - Mod. #1 (38 FR 13926 - May 25, 1973) Fayette County, Kentucky						
Change:						
Asbestos Workers	$8.85	.30	.20			
Carpenters:						
Carpenters	7.85	.30	.30		.02	
Millwrights	8.35	.30	.30		.02	
Piledrivermen	8.35	.30	.30		.02	
Sprinkler fitters	9.30	.30	.50		.05	
Add:						
Roofers	4.90	.20				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-8 - Mod. #1 (38 FR 20204 - July 27, 1973) Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes, Louisiana						
Change:						
Plasterers:						
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge and West Feliciana Parishes	$6.035				.01	

DECISION #AP-809 - Mod. #1
(38 FR 12561 - May 11, 1973)
Atlantic and Cape May Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Carpenters, millwrights and insulators	$9.37	.30	6%		.02	

DECISION #AP-810 - Mod. #1
(38 FR 12567 - May 11, 1973)
Bergen County, New Jersey

Change:						
Carpenters & Insulators:						
City of Garfield; Lodi and Wallington Boroughs:						
Carpenters	$9.29	6%	6%		.02	
Millwrights	9.54	6%	6%		.02	

DECISION #AP-826 - Mod. #1
(38 FR 13252 - May 18, 1973)
Essex County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Carpenters, Insulators & millwrights:						
Remainder of County	$9.29	6%	6%		.02	
Laborers (Building):						
Millburn	6.95	.40	.35			
Painters:						
Brush	7.80	.42	.50	.10	1	
Structural steel & tanks under 30'	7.95	.42	.50	.10	1	
Structural steel & tanks 30' & over	8.40	.42	.50	.10	1	
Bridges, TV, radio, water towers & stacks	8.40	.42	.50	.10	1	

FOOTNOTE:
1. Employer contributes $.25 per hour to employees employed one year and $.30 per hour to employees employed two years.

Modifications P. 7

DECISION #AP-827 - Mod. #1
(38 FR 13238 - May 18, 1973)
Mercer County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Carpenters and Insulators:						
Lawrenceville, Clarksville, Dutch Neck, Grover's Mill, Princeton Jct., Penns Neck, Princeton & Fort Mercer	9.29	6%	6%		.02	
Millwrights	9.29	6%	6%		.02	
Remainder of County:						
Carpenters & Insulators	9.20	.50	.55		.02	
Millwrights	9.20	.50	.55		.02	
Ironworkers:						
Structural, ornamental & reinforcing	8.63	.47	1.03	10%	.05	
Omit:						
Laborers, Asphalt						
Add:						
Laborers Asphalt						

AP-827 Mod. #1

Modifications P. 8

N.J. 4-1A7-5-L

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Laborers, Asphalt						
Street:						
Head raker	$6.55	.41	.59	a		
Rakers and screed board man	6.40	.41	.59	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.15	.41	.59	a		
Plant:						
Scale mixers and burner men	6.40	.41	.59	a		
Feeders and dust men	6.15	.41	.59	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holiday falls or is observed as such.

DECISION #AP-829 - Mod. #1
(38 FR 13272 - May 18, 1973)
Burlington County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Carpenters, Insulators & Millwrights:						
Bordentown	$9.20	.50	.55		.02	
Laborers, Building:						
Remainder of County:						
Construction laborers	6.65	.35	.30			
Brick tenders, mortar mixers	6.80	.35	.30			
Scaffold builders (brick)	6.80	.35	.30			
Hod carriers (brick), power tool operator	6.80	.35	.30			
Barco tamper op., jackhammer op.	7.05	.35	.30			
Motorized buggy operator, burners	6.925	.35	.30			
Nozzle men (gunite)	6.925	.35	.30			
Plasterers' and lathers' tenders	7.20	.35	.30			

DECISION #AP-193 - Mod. #3
(38 FR 14075 - May 25, 1973)
Shelby County, Tennessee

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Building Construction:						
Carpenters, Piledrivermen, and Soft Floor Layers	$7.30	.30	.20		.04	
Plasterers	7.25				.01	

Modifications P. 11

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-725 - Mod. #5 (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: Line Construction: Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:						
Lineman	$5.90	.25	1%			
Groundman, more than 1 year experience	4.63	.25	1%			
Groundman, less than 1 year experience	4.04	.25	1%			
Operator-hole digger, line truck	5.38	.25	1%			
Flat bed truck driver	4.04	.25	1%			
Childress County:						
Lineman	7.90		1%		1/2%	
Cable splicer	8.69		1%		1/2%	
Lineman operator	7.90		1%		1/2%	
Groundman, 1st 6 months	4.74		1%		1/2%	
Groundman, 2nd 6 months	5.14		1%		1/2%	
Groundman, 1 year & over	5.53		1%		1/2%	
DECISION #AP-726 - Mod. #6 (38 FR 10600 - April 27, 1973) Lubbock County, Texas						
Change: Building Construction: Ironworkers:						
Structural; Commercial; Reinforcing	6.23	.40	.50		.10	
All ironworkers on jobs (30) miles or more from the city of Lubbock	6.585	.40	.50		.10	

Modifications P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-728 - Mod. #6 (38 FR 10606 - April 27, 1973) Nueces County, Texas						
Change: Building Construction: Laborers: Mason tenders, plasterers tenders, tile setters tenders, concrete & mortar mixers, pipelayers, lathers tenders, finish carpenters tenders, slip form operators tenders, scaffolding waterproofers tenders, cement finishers tenders	$3.60	.15				

Decision #AP-833 - Mod. #2
(38 FR 14078 - May 25, 1973)
The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia.

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Cement Masons:						
Cement masons	$5.30					
Machine & scaffold men	5.40					
Sprinkler Fitters	7.57	.30	.50		.05	

OMIT:

Power Equipment Operators Schedule Building Construction as Originally Issued.

ADD:

Power Equipment Operators Schedule Building Construction.

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
HEAVY DUTY OPERATORS						
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad	$6.675	.225	.10		.05	
MEDIUM DUTY OPERATORS						
Cableways, tractors with attachments, combiantion front end loader and back-hoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16'S, fork lift	5.34	.225	.10		.05	
LIGHT DUTY OPERATORS						
Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-ton power plant, generator (1200 KW or larger), pumps (over 2 inches, including welpoints), A-frame trucks, trucks, mechanic's helper	4.505	.225	.10		.05	
Firemen	4.34	.225	.10		.05	
Oilers	4.17	.225	.10		.05	

Modifications P. 15

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Decision #AP-858 - Mod. #2 (38 FR 17390 - June 29, 1973) Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport						
CHANGE:						
Boilermakers - Blacksmiths	$8.20	.30	.70	.35	.01	
Plumbers	8.96	.50	.50		.15	
Roofers:						
Composition	7.12	.39	.20			
Slate, tile, mopmen, water-proofers, sprayers, spandrel & ironite	7.65	.39	.20			
Helpers	5.19	.39	.20			
Decision #AP-856 - Mod. #3 (38 FR 16612 - June 22, 1973) Baltimore City and Baltimore County, Maryland						
CHANGE:						
Asbestos Workers	7.85	.50	.40		.02	
Boilermakers-Blacksmiths	8.20	.30	.70	.35	.01	
Line Construction:						
Linemen, Cable Splicer	8.95	.25	1%		1%	
Groundman (experienced)	5.70	.25	1%		1%	
Decision #AP-499 - Mod. #5 (38 FR 8410 - March 30, 1973) Henrico County and the City of Richmond, Virginia						
CHANGE:						
SPRINKLER FITTERS	7.57	.30	.50		.05	

STATE: Maryland
DECISION NO. AQ-2004
Supersedes Decision No. AP-842, dated June 1, 1973, in 38 FR 14503.
COUNTY: Anne Arundel
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories) Heavy Construction (excluding Sewer and Water Line Construction), and Highway Construction.

BUILDING & HEAVY CONSTRUCTION

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Millwrights:						
All areas north of a line starting at Priest Bridge & continuing northeast to Benfield, Pasadena, Arninger & Ft. Smallwood	7.49	.44	.40		.05	
Remainder of County	8.26	.30	.34		.07	
Painters:						
Brush	6.095	.65	.30	.20	.05	
Structural steel, spray (steel), steam cleaning & sandblasting	6.60	.65	.30	.20	.05	
Spackling, taping & wall coverings	6.245	.65	.30	.20	.05	
Spray (except steel)	6.345	.65	.30	.20	.05	
Piledrivermen:						
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arninger and Ft. Smallwood	7.49	.44	.40		.05	
Remainder of County	8.265	.30	.34		.07	
Plasterers:						
The D. C. Training School	8.265	.45	.25		.06	
Remainder of County	8.95			j		
Plumbers	8.28	.35	.35		.05	
Roofers:						
Roofers, damp & waterproofers	5.55	.35	.30			
Mopmen, slate & tile, asbestos & asphalt	6.00	.35	.30			
Sheeter, precast & wood block	6.35	.35	.30			
Sheet Metal Workers	8.17	.55	.50		.05	
Soft Floor Layers:						
All areas north of a line starting at Priest Bridge & continuing northeast to Benfield, Pasadena, Arninger & Ft. Smallwood	7.49	.44	.40		.05	
Remainder of County	8.12	.30	.34		.07	
Sprinkler Fitters	9.05	.30	.50		.05	
Steamfitters	7.91	.45	.60		.06	
Stonemasons:						
From Bodkin Point including Ft. Meade but excluding the D. C. Training School	8.75	.40	.40		.07	
Remainder of County	8.95			j		
Terrazzo Workers:						
Northern part of County from Laurel to Bodkin Point including Ft. Meade but excluding the D. C. Training School	6.99	.40	.40		.04	
The D. C. Training School	8.31	.40	.30			
Remainder of County	8.95			j		

BUILDING & HEAVY CONSTRUCTION

2-MD-1-2-3 1 of 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Asbestos workers	7.83	.30	.40		.01	
Boilermakers	8.20	.30	.70	.35	.01	
Bricklayers:						
From Laurel to Bodkin Point including Ft. Meade but excluding the D. C. Training School	8.75	.40	.50		.07	
Remainder of County	8.95			j		
Carpenters:						
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arninger and Ft. Smallwood	7.49	.44	.40		.05	
Remainder of County	8.12	.30	.34		.07	
Cement masons:						
North of and including Benfield, Arninger and Pasadena but excluding the D. C. Training School	8.62	.25	.30			
The D. C. Training School	8.80	.225	.28		.05	
Remainder of County	8.95			j		
Electricians	8.50	.50	1%+.20		½ of 1%	
Elevator Constructors	7.92	.195	.20	[illegible]	.005	
Elevator Constructors' Helpers	5.45	.195	.20	[illegible]	.005	
Elevator Constructors' Helpers (Prob.)	3.96					
Glaziers:						
Glaziers	6.85	.15	.10			
Swinging Scaffold or Bosuns' chair	7.05	.15	.10			
Ironworkers:						
Structural, Ornamental, Rodmen & Finishers	7.96	.60	1.05		.03	
Sheeters	8.21	.60	1.05		.03	
Pre-cast & pre-stress erectors	7.96	.60	1.05		.03	
Laborers:						
Unskilled	5.40	.20	.225		.025	
Hod carriers	5.50	.20	.225		.025	
Plasterers' laborers	5.55	.20	.225		.025	
Power tool operator	5.50	.20	.225		.025	
Pipelayers	5.60	.20	.225		.025	
Wagon Drill operator	5.65	.20	.225		.025	
Lathers	8.39		.35		.01	
Lead Burners	[illegible]	[illegible]			.01	
[illegible]	[illegible]	.25	1%		½of1%	
Groundmen (experienced)	5.70	.25	1%		½of1%	
Marble Setters:						
From Laurel to Bodkin Point including Ft. Meade but excluding the D. C. Training School	8.75	.40	.50		.07	
Remainder of County	8.95					

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Terrazzo Workers' Helpers:						
The D. C. Training School	7.10	h	.20			
Remainder of County	5.675	.125	.20			
Tile Setters:						
Northern part of County from Laurel to Bodkin Point including Ft. Meade but excluding the D. C. Training School	6.99	.40	.40		.04	
The D. C. Training School	8.31	.40	.30			
Remainder of County	6.95			j		
Tile Setters' Helpers:						
The D. C. Training School	7.10	h	.20			
Remainder of County	5.675	.125	.20			
Truck Drivers:						
Goose-necks, drop frame trailers	6.75	d	e	f+g		
All "A" Frames, winch trucks, fork lift and trailers	6.55	d	e	f+g		
Flat-beds and pick-ups	6.10	d	e	f+g		
Helpers	5.80	d	e	f+g		
Mixer trucks with agitator of 12 yds. capacity	4.60		e	f+g		
Mixer trucks with agitator over 12 yds. capacity	5.00		e	f+g		
Euclid wagons and dumpsters	5.20		e	f+g		
Dump trucks	4.92		e	f+g		
Truck Drivers: (Excavation):						
Dump truck	5.31	.35	.30	f+K		
Euclid wagon and dumpster	5.62	.35	.30	f+K		
Drop - frame, goose-neck and trailer	5.51	.35	.30	f+K		
Pick-up	5.13	.35	.30	f+K		
Helpers	5.18	.35	.30	f+K		
Welders - receive rates prescribed for craft performing operation to which welding is incidental.						

BUILDING & HEAVY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Plus Washington's Birthday, Good Friday and Christmas Eve (provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contributes $.25 per hour not to exceed 40 hours per week.

e. Employer contributes $.20 per hour not to exceed 40 hours per week.

f. One week's paid vacation after employee has worked 125 days in the contract year.

g. Holidays: A through F; plus the employee's birthday; Day after Thanksgiving Day and Christmas Eve, (provided the employee has worked one day and has been available for work during the holiday week.)

h. $37.92 per man per month.

j. One paid holiday: Christmas Day.

K. Employee with 1 year of service - 1 weeks vacation; 2 years of service - 2 weeks vacation; 10 years of service - 3 weeks vacation (providing employee has worked 100 days in the contract year).

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BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Backfiller, backhoe, concrete mixing plants, scale type batching plants, cableway, derrick, derrick boat, boat captain, dragline, elevating grader, excavating scoop (25 yds., and over), hoist (2 active drums or more), pile driving machine, tower crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, Eimco type overhead loader, Whirley rig, welder, concrete paver, double concrete pump, front end loader (1 - 3/4 yds., and over), multiple conveyor, Mighty midget with compressor, repair mechanic, twin engine scraper, Gradall	$7.93	.50	.50	a	.07	
Compressors (2 or more), conveyors (2 or more), space heaters, over 4 welders (more than 6, another man), well point system	7.37	.50	.50	a	.07	
Tractor with attachment (2 or more), autopatrol type grader	7.48	.50	.50	a	.07	
Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift, fork lift	7.14	.50	.50	a	.07	
Front end tractor loader (under 1-3/4 yds.), bulldozer	7.25	.50	.50	a	.07	
Single compressor, grout pump, power roller, pumps, well drill, engine driven welders (up to 4), space heaters (up to 4), steam hammer, pile extractor, conveyor	6.62	.50	.50	a	.07	
Excavating scoop (under 25 yds.), caterpillar type tractor	6.97	.50	.50	a	.07	
Finishing machine, bull float, sub grader, longitudinal float, screeding machine, concrete spreader, asphalt spreader	6.80	.50	.50	a	.07	
Fireman, truck crane oiler, grease truck, fuel truck	6.30	.50	.50	a	.07	
Wheel tractor	6.09	.50	.50	a	.07	
Oiler, deck hand, mechanic's helper	5.98	.50	.50	a	.07	

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.

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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					

SUPERSEDEAS DECISION

AQ-18 P.2

STATE: New Mexico
Decision No. AQ-18
Supersedeas Decision No. AQ-9 dated July 27, 1973 in 38 FR 20219
DESCRIPTION OF WORK: Street, Highway, Utility, and Light Engineering Construction.

COUNTY: Statewide
Date: Date of Publication

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	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; sand-blaster; 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	4.25	.15	.10		.01	
Concrete paving form grader; concrete paving gang vibratory concrete pavi[illegible] joint or saw machine; concrete paving sub grader	5.03	.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.)	$4.45	.15	.10		.01	
Tractor with backhoe attachment	5.00	.15	.10		.01	
Subgrade or base finisher	5.03	.15	.10		.01	
Concrete slip-form paving machine	5.25	.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	5.05	.15	.10		.01	
Concrete paving finishing machine; concrete paving longitudinal float; gunnite machine; jumbo form or drilling stage slusher	5.25	.15	.10		.01	
Concrete paver mixer; hoist (2 drums & over); side boom	5.20	.15	.10		.01	
Derrick, cableway	5.63	.15	.10		.01	
Traveling crane, piledriver	5.20	.15	.10		.01	
Mine hoist	5.40	.15	.10		.01	
Mucking machine	5.40	.15	.10		.01	
Backhoe, clamshell, dragline, gradall, shovel:						
Under 3/4 cy	5.05	.15	.10		.01	
3/4 cy to 3 cy	5.20	.15	.10		.01	
Over 3 cy	5.40	.15	.10		.01	
Bulldozer; elevating grader or belt loader; roller (steel wheel); scraper operator	5.05	.15	.10		.01	
Bulldozer (multiple units); scraper (multiple units)	5.40	.15	.10		.01	
Concrete paving spreader	5.25	.15	.10		.01	
Pumpcrete machine	5.25	.15	.10		.01	
Cranes (crawler or mobile):						
Under 20 ton	5.05	.15	.10		.01	
20 ton to 40 ton	5.20	.15	.10		.01	
Over 40 ton	5.40	.15	.10		.01	
Air compressor (300 CFM & over); crushing screening & washing plants; drilling machine (cable, core or rotary); mixer, concrete (1 cy & [illegible] (6 inch intake or over); winch truck; hoist (1 drum); industrial locomotive motorman; lumber stacker	5.05	.15	.10		.01	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators Cont'd.						
Front End Loaders:						
1-½ cy or less	$4.45	.15	.10		.01	
Over 1-½ cy to 6 cy	5.05	.15	.10		.01	
Over 6 cy	5.20	.15	.10		.01	
Industrial locomotive brakeman; tractor (under 50 drawbar HP without attachments); Fireman; oiler; screedman	4.45	.15	.10		.01	
Mechanic and/or welder	5.08	.15	.10		.01	
Mixer, concrete (over 1 cy)	5.20	.15	.10		.01	
Grout pump operator	5.25	.15	.10		.01	
Power plant (electrical generator or welding machine)	5.00	.15	.10		.01	
Roller (pull type)	4.55	.15	.10		.01	
Mulching machine; roller (self-propelled)	4.55	.15	.10		.01	
Mile operator	6.70	.15	.10		.01	
Pipemobile operator	6.70	.15	.10		.01	
Belt loader (CMI type operator); Pipemobile operator assistant	5.90	.15	.10		.01	
Truck Drivers:						
Distributor (asphalt)	4.18	.26				
Dumpster or dumptor	4.26	.26				
Dump or batch truck:						
Under 8 cy	3.97	.26				
8 cy and under 16 cy	4.07	.26				
16 cy and under 20 cy	4.21	.26				
20 cy and over	4.26	.26				
Diesel-powered transport (non-self-loading) 10 yds. & over	4.49	.26				
Flatbed:						
1-½ ton or under	3.97	.26				
Over 1-½ ton	4.12	.26				
Lumber carrier	4.00	.26				
Lowboy, heavy equipment	4.59	.26				
Lowboy, light equipment	4.21	.26				
Off-highway hauler	4.24	.26				
Pick-up truck 3/4 ton or under	3.82	.26				
Service station attendant	3.86	.26				
Spreader box	3.91	.26				
Spreader box (self-propelled)	4.15	.26				
Swamper or rider helper	3.78	.26				
Tank Truck:						
3,000 gal. or under	3.67	.26				
3,001 gal. to 6,000 gal.	3.77	.26				
6,001 gal. & over	3.87	.26				
Teamster, 2 or 4 or more	3.40	.26				
Trailer or semi-trailer dump	3.96	.26				
Transit mix	3.83	.26				
Warehouseman	3.56	.26				

BERNALILLO COUNTY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
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%	
POWDERMEN	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%	

SUPERSEDEAS DECISION

AQ-1,011 P. 2

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Forks Morton, Richland, Steele, Walsh and Ward

DECISION NUMBER: AQ-1,011

DATE: Date of Publication

Supersedes Decision Number AQ-1,001 dated July 20, 1973, in 38 FR 19650

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS (Except Walsh County)	$7.19	.35	.35			
BOILERMAKERS (Except Walsh County)	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons:						
Burleigh and Morton Counties	6.75		.15			
Grand Forks, Steel and Walsh Counties	8.00		.15			
Cass and Richland Counties	7.50	.40	.15	.30		
Ward County	6.85		.15		.02	
CARPENTERS:						
Burleigh and Morton Counties						
Carpenters	5.75					
Piledrivermen	5.875					
Grand Forks, Steele (Northern half), and Walsh Counties						
Carpenters	6.35				.02	
Piledrivermen	6.58				.02	
Millwrights	6.73				.02	
Cass, Richland, and Steele (Southern half) Counties						
Carpenters	6.56		.25			
Ward County						
Carpenters	6.28					
Piledrivermen	6.76					
Millwrights	6.51					
CEMENT MASONS:						
Grand Forks and Steel Counties	5.65		.15			
Cass and Richlands Counties	6.45					
Ward County	5.00					
ELECTRICIANS:						
Cass, Grand Forks, Richland, and Steel Counties (Grand Forks-Fargo-West Fargo-Valley City):						
Zone A (0-15 miles from all cities-0-5 miles from Grafton)	7.15	.20	1%	6%	1½%	
Zone B (15-30 miles)	7.77	.20	1%	6%	1½%	
Zone C (over 30 miles from Grand Forks-Fargo-West Fargo-Valley City)	8.15	.20	1%	6%	1½%	
Burleigh and Morton Counties (From Main P. O. in Bismark-Mandan)						
Electricians (0-12 miles)	7.00	.20	1%	6%	1½%	
Cable splicers (0-12 miles)	7.40	.20	1%	6%	1½%	
Electricians (over 12 miles)	8.00	.20	1%	6%	1½%	
Cable splicers (over 12 miles)	8.40	.20	1%	6%	1½%	
Ward County						
Electricians (within 12 miles radius of Minot Post Office)	$7.00	.20	1%	6%	1½%	
Electricians (over 12 miles radius beyond Minot Post Office)	8.00	.20	1%	6%	1½%	
Cable splicers (within 12 miles radius of Minot Post Office)	7.40	.20	1%	6%	1½%	
Cable splicers (over 12 miles radius beyond Minot Post Office)	8.40	.20	1%	6%	1½%	
ELEVATOR CONSTRUCTORS (Except Walsh Co.)	8.17	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Structural; Reinforcing	7.60	.30	.23		.02	
PAINTERS:						
Cass, Grand Forks, Richland and Steel Counties						
Brush; Roller; Papertangers	6.45				.01	
Sandblasting; Structural	6.70				.01	
Spray	6.95				.01	
Burleigh and Morton Counties						
Brush	5.05					
Spray	5.35					
Ward County						
Brush	4.55					
Spray	4.90					
PLASTERERS:						
Grand Forks and Steel Counties	6.20		.15			
Ward County	5.50					
Cass and Richland Counties	7.70					
PLUMBERS:						
Cass, Grand Forks, Richland, Steele and Walsh Counties	7.09	.38	.15	.28	.005	
Burleigh and Morton Counties	7.40		.25		.01	
Ward County	7.36		.25		.04	
ROOFERS:						
Cass and Richland Counties	5.20					
SHEET METAL WORKERS:						
Burleigh, Grand Forks, Morton, Steel and Ward Counties	8.95					
Cass, and Richland Counties	6.63					
SOFT FLOOR LAYERS:						
Cass and Richland Counties	5.25	.20				
SPRINKLER FITTERS (Except Walsh County)	7.20	.30	.50		.05	

FOOTNOTE:

a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service, 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Grand Forks and Steele Counties						
Laborers; Concrete dumpman	$4.85					
All power tool operators (under the laborers' jurisdiction); Brick and plaster tenders; Cutting torch for demolition	5.00					
Hod carriers; Non-metallic pipelayers; Gas line wrapping or taping (distribution only)	5.20					
Burleigh and Morton Counties						
Common laborers; Concrete bucket man; Brick and plaster tenders; All power tools (under the laborers' jurisdiction); Mortar mixers; Hod carriers; Non-Metallic pipelayers; Gas line wrapping or taping	4.17					
Cass and Richland Counties						
Laborers; Concrete dumpman	4.40					
Jackhammer; Mortar mixer; Plasterers and brick tenders; Power tool operators	4.55					
Ward County						
Laborers; Concrete bucket dumpman	4.40					
Mortar mixers; Plaster tenders; Cutting torch for demolition; All power tool operators (under laborers' jurisdiction)	4.50					
Non-metallic pipelayers; Gas line wrapping or taping (distribution only)	4.65					
Walsh County	2.75					

Site Preparation Excavation and Incidental Paving (Except Walsh Co.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Changes:						
Laborers:						
Group I						
General Construction Laborer; Reinforced steel setter; Sack shaker (cement and mineral filler); Pipe handler; Drill runner helper; Carpenter tender; Salamander heater and blower tender	$2.95					
GROUP II						
Semi Skilled Laborer; Bulk cement handler; Conduit layer, telephone or electrical; Form setter (pavement); Gas, Electric or pneumatic tool operator (chipping hammer, grinders and paving brakers (tamper (dirt)(concrete vibrator operator); Chain saw operator; Concrete saw operator; Concrete curing man (not water); Bituminous worker (shoveler, dumper, raker and floater); Kettleman (Bituminous or lead); Concrete bucket signalman; Power buggy operator; Brick and mason tender; Multiplate pipe layer; Culvert pipe layer	3.05					
GROUP III						
Caisson Work; Bottom man, (sanitary sewer, storm sewer, water, and gas lines); Concrete mixer operator (one bag capacity); Motor mixer.	3.15					
GROUP IV						
Pipe Layers (Sanitary Sewer, Storm Sewer, Water and Gas Lines); Drill runner (incl. wagon churn or air track); Powderman, gunite and sandblast, nozzleman	3.25					

AQ-1.011 P. 5
1-NO. DAK.-PEO-K

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION (Except Walsh Co.)						
POWER EQUIPMENT OPERATORS:						
GROUP I HOIST; Greaser; Concrete mixer op.; Boom truck; Fireman; Tractor, 75 HP & under; Frontend loader, 1½ cu. yds. & under; Air compressor, 300 & under; Forklift	4.75	.25	.25			
GROUP II BRAKEMEN; Any air compressed operations over 300; Well points; Front-end loader over 1½ cu. yd.; Power plant engineer; Straddle carrier; Oiler; Mechanic & welder; Batch plant drill rig; Tractor, over 75 HP.	5.75	.25	.25			
GROUP III CRANES, tower & overhead; Derricks; Cherry picker	6.35	.25	.25			

AQ-1,011 P. 6

Site Preparation, Excavation and Incidental Paving (Except Walsh County)

2-NO. DAK. -PEO-2-3- n (1-3)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
CABLEWAY OPERATOR; Crane Operator with over 135' boom; Derrick (Guy & Stiff Leg), (Power), (Skids & Stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Hole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3 - 1/2 cu. yd.	$6.45	.35	.25		
CONCRETE MIXER STATIONARY PLANT OPERATOR over 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3 - 1/2 cu. yds.; Scraper Tandem; Tandem Pusher Quad. 9 or similar; Tractor Operator (Pipeline) Side Boom; Truck Crane Operator	6.30	.35	.25		
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & over; Locomotive, all types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & over	6.15	.35	.25		
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Pipeline; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or similar & over; Rubber Tired Industrial Tractor with Backhoe					

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	$6.10	.35	.25		
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 165 or Over; Paving Breaker or Tamping Machine Op., including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	5.85	.35	.25		
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (Power Operated); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer under Napco or similar; Tractor Type Dozer under D-6; Truck Mechanic	5.62	.35	.25		
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electrocic; Concrete Mixer Operator on Job Site under 165; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunnite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or similar type) including Self-Propelled Sand [illegible]	4.99	.35	.25		

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CRAWLER TYPE TRACTOR PULLING COMPACTOR OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	$4.54	.35	.25		
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	4.44	.35	.25		
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Areating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	4.10	.35	.25		

AQ-1,011 P. 9

1-NO.DAK-TD-2-3-k (1-1)

Site Preparation Excavation and Incidental Paving (Except Walsh Co.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
TRUCK DRIVERS:						
Single axle	$4.37	.35				
Tandem	4.47	.35				
Agitator dumpcrete	4.57	.35				
Lowboy; Off road heavy duty end dumps, 20 yds. and under; Tandem semi	4.72	.35				
Euclid, over 20 yds.	5.35	.35				

SUPERSEDEAS DECISION

STATE: Washington, D. C. DATE: Date of Publication
DECISION NO. AQ-2005
Supersedes Decision No. AP-823, dates May 18, 1973, in 38 FR 13304.
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to & including 4-stories), Highway Construction and Sewer and Water Lines.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.00	.35	.15		.015	
Boilermakers - Blacksmiths	8.20	.30	.70	.35	.01	
Bricklayers	9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement Masons:						
Cement Masons	8.05	.255	.28		.05	
Grinding Machine	8.25	.255	.28		.05	
Electricians	8.85	.35	1% + .30		.10	
Elevator Constructors:						
Elevator Constructors	8.58	.345	.23	2% + a&b	.015	
Elevator Constructors' Helpers	6.01	.345	.23	2% + a&b	.015	
Elevator Constructors' Helpers (Prob).	4.29					
Glaziers	7.58	.46	.40			
Ironworkers:						
Structural	8.35	.47	.45		.02	
Ornamental & chain link fence	8.35	.47	.45		.02	
Reinforcing	7.95	.35	.25		.03	
Laborers:						
Common laborers, landscapers	6.32	.28	.35		.05	
Acetylene burners used on wrecking	6.82	.28	.35		.05	
Air tool op., scaffold builders, paving breakers, tommasters, buggymobiles, spaders, mortarmen and scootcretes	6.47	.28	.35		.05	
Pipelayers	6.47	.28	.35		.05	
Plasterers' tenders	6.07	.32	.20		.03	
Plumbers' laborers	5.42	.30	.15		.03	
Powdermen	7.495	.28	.35		.05	
Powersaw, well points	6.57	.28	.35		.05	
Stone carvers	6.355	.175	.20			
Stone trimmers, fitters & cutters	6.30	.175	.20			
Lathers	8.135	.30	.30		.025	
Lead Burners	8.25	.30		c	.01	
Line Construction:						
Linemen, cable splicers, equipment ops.	9.36	.20	1%		½ of 1%	
Truck with winch, truck pole or steel handling	6.94	.20	1%		½ of 1%	
Groundmen (0 to 1 year)	5.52	.20	1%		½ of 1%	
Groundmen (1 to 2 years)	6.43	.20	1%		½ of 1%	
Groundmen (over 2 years)	6.66	.20	1%		½ of 1%	
[illegible]	8.20	.30	.34		.07	
Painters:						
Brush, spray, paperhangers, tapers	7.97	.41	.18		.06	
Steel, sandblasting, swing stage, power brushing	8.30	.41	.18		.06	
Pildrivermen	8.265	.30	.34		.07	
Plasterers	8.615	.45	.25		.06	

AQ-2005 P. 2

BUILDING CONSTRUCTION,(Continued)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plumbers	8.96	.50	.30		.15	
Roofers:						
Composition	7.12	.39	.20			
Slate, tile mopmen, waterproofers, sprayers, sprandrel & ironite	7.65	.39	.20			
Helpers	5.19	.39	.20			
Sheet metal workers	8.30	.40	.66		.06	
Soft floor layers	8.12	.30	.34		.07	
Sprinkler fitters	9.10	.30	.30		.05	
Steamfitters, refrigeration & air conditioning mechanic	8.79	.40	.40		.07	
Stone masons	8.60	.35	.25			
Terrazzo & mosaic workers	8.31	.40	.30			
Terrazzo workers' helpers	7.10	e	.20			
Tile setters	8.31	.40	.30			
Tile setters' helpers	7.10	e	.20			
Truck Drivers:						
Boom trucks	4.10	.22	f	g		
Small dump, water sprinkler, grease & oil	3.85	.22	f	g		
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	3.95	.22	f	g		
Trailers, low-boys, tractor pulls	4.15	.22	f	g		
Helpers	3.70	.22	f	g		
Carryalls, large Euclids, water sprinkler, tunnel work ground	4.25	.22	f	g		
Mechanics	4.00	.22	f	g		
Concrete mixers	3.20	.12	.15	e		
Riggers & Welders - receive rates prescribed for crafts performing operations to which rigging & welding are incidental.						

2-D.C.-FEO-1-2-5

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$8.775	.35	.35		.10	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50 cu. yds. struck capacity or above, multiple concrete conveyors	8.525	.35	.35		.10	
Hydrocrane, and all other hydraulic cranes 12 tons or under	8.475	.35	.35		.10	
Hydraulic backhoes, under ½ yd., mounted on tractors	8.375	.35	.35		.10	
Front end loader (over 3½ cu. yds.)	8.525	.35	.35		.10	
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds.)	8.375	.35	.35		.10	
Front end loaders (Hi-lift), fork lifts	8.125	.35	.35		.10	
Air compressors (on steel)	8.195	.35	.35		.10	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	7.945	.35	.35		.10	
Boilers (skeleton), trenching machines, tug boats, well drilling machines	8.115	.35	.35		.10	
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity blade graders, bulldozers, motor graders	7.925	.35	.35		.10	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	7.725	.35	.35		.10	
Apprentice engineers:						
Firemen	7.065	.35	.35		.10	
Truck crane oilers	6.945	.35	.35		.10	
Oilers	6.895	.35	.35		.10	

3-W. C. -4-H 1 of 2

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement masons	8.05	.255	.28		.05	
Ironworkers, reinforcing	7.95	.35	.25		.03	
Piledrivermen	8.265	.30	.34		.07	
Plumbers	8.96	.50	.50		.15	
Power Equipment Operators:						
Backhoes, cableways, cranes, draglines, power shovels, tunnel shovels, tunnel mucking machines, derricks, 1 c.y. & over	6.94	.35	.35		.05	
Backhoes, cableways, cranes, derricks, draglines, power shovels, tunnel mucking machines up to 1 c.y., boom cats, elevating graders, hoists, paving mixers, piledriving engines, batch plants, concrete pumps	6.69	.35	.35		.05	
Trenching machines (above 6'3")	6.49	.35	.35		.05	
Backhoes (hydraulic, under 1 c.y.)	6.57	.35	.35		.05	
Trenching machines (up to 8'3"), boilers skeleton, well drilling machines	6.39	.35	.35		.05	
Air Compressors, tunnel	6.36	.35	.35		.05	
Front end loaders (high lift), Bulldozers	6.34	.35	.35		.05	
Concrete mixers, power wheel scoops and scrapers, motor graders, tunnel motor men, blade graders	6.24	.35	.35		.05	
Mechanics	6.22	.35	.35		.05	
Bulldozer, hydraulic tampers	6.14	.35	.35		.05	
Roller	6.04	.35	.35		.05	
Air compressors, pumps welding machines, well points	5.965	.35	.35		.05	
Apprentice Engineers:						
Firemen	5.50	.35	.35		.05	
Truck crane oilers	5.35	.35	.35		.05	
Oilers	5.30	.35	.35		.05	
Truck drivers:						
Dump trucks	2.75	.12	c			
Dump trucks over 8 wheels	2.85	.12	c			
Flat trucks	2.85	.12	c			
Trailers	2.95	.12	c			
Fuel and oil trucks	2.75	.12	c			
Euclids	3.10	.12	c			

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Open Cut:						
Laborers, probationary (1st 60 days)	$4.33	.25	.25		.03	
Laborers, jackhammer, rammers, and spaders	5.41	.25	.25		.03	
Timbermen, sheeting-man, shoringman, caulkers, pipelayers' helpers	5.56	.25	.25		.03	
Bottom man	5.46	.25	.25		.03	
Wagon drillers, air track drillers	5.76	.25	.25		.03	
Pipelayers	5.40	.25	.25		.03	
Rock drillers	5.51	.25	.25		.03	
Tunnel:						
Brakeman, bull gang, dumper, trackman, concrete man	6.595	.28	.35		.05	
Chuck tender, powdermen in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal man, top or bottom, vibrator operator, caulkers helpers	6.895	.28	.35		.05	
Miners, rodmen, re-bar underground, concrete or gunite, nozzleman, powderman, timberman, wood, steel including liner plate or any other support material, motormen, caulkers diamond drill, riggers, cement finishers underground, welders and burners, shield driver, air-trac, shotcrete nozzleman & potman	7.545	.28	.35		.05	
Mucking machine operator (air)	7.795	.28	.35		.05	
COMPRESSED AIR: (per day)						
Gauge Pressure Pounds / Work Period						
From 1 to 14 / 7 hours	69.06	a	b		d	
" 14 to 18 / 6 hours	72.21	a	b		d	
" 18 to 22 / 5½ hours	75.34	a	b		d	
" 22 to 26 / 5 hours	78.56	a	b		d	
" 26 to 32 / 4 hours	81.72	a	b		d	
" 32 to 38 / 3 hours	84.89	a	b		d	
" 38 to 44 / 2½ hours	88.05	a	b		d	

FOOTNOTES:

a. Employer contributes $2.24 per day to Health & Welfare.

b. Employer contributes $2.80 per day to Pension.

c. $4.00 per week when employee has worked 90 days; and works three days in any work week.

d. [illegible] per day as Apprentice training.

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt shoveler	$5.15	.22	.20			
Asphalt raker	5.35	.22	.20			
Asphalt tamper	5.25	.22	.20			
Bricklayers	9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement masons	5.60	.22	.20			
Concrete saw operator	5.35	.22	.20			
Concrete shoveler	5.25	.22	.20			
Form setter	5.60	.22	.20			
Laborers:						
Laborers	5.10	.22	.20			
Jackhammer	5.30	.22	.20			
Hand burner operator	5.25	.22	.20			
Power Equipment Operators:						
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-½ cu. yds., or less), asphalt plant mixer	5.35	.22	.20			
Loader operator tracks (2-½ cu. yds. or less), burner planer, bulldozer, mechanic or welder, rubber tired loader (over 1-½ cu. yds.)	5.55	.22	.20			
Asphalt spreader, hydraulic backhoe (½ cu.yd., or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)	5.60	.22	.20			
Crane operator, concrete paving op.	5.75	.22	.20			
Shovel operator	5.85	.22	.20			
Gradall operator (1-½ cu. yds., or less), motor grader, loader op. tracks (over 2-½ cu. yds.)	6.50	.22	.20			
G-1000 Gradall operator (over 1-½ cu.yds.)	6.75	.22	.20			
Power broom, oiler	5.25	.22	.20			
Sand setter	5.60	.22	.20			
Truck Drivers:						
Truck drivers (standard)	5.10	.22	.20			
Tandem	5.22	.22	.20			
Tractor trailer (capable of moving heavy equipment)	5.60	.22	.20			

BUILDING CONSTRUCTION, continued 1-DC-1-2-A 3 of 3

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve (providing employee has worked at least 45 full dys during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday).

e. Employer contributes $37.92 per man per month.

f. $6.00 per week when employee has worked 90 days and works 3 days in a work week.

g. Holidays: A - D - E and F (prroviding the employee works the regularly scheduled work days immediately preceding and following the holiday).

STATE: Wyoming
DECISION NUMBER: AQ-1,009
COUNTY: Laramie
DATE: Date of Publication
Supersedes Decision No. AP-250 dated November 10, 1972, 37 FR 24011
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.00	.25	.70			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	5.75					
CARPENTERS:						
Carpenters	6.90	.35	.30		.10	
Piledrivermen	7.15	.35	.30		.10	
CEMENT MASONS:						
Cement masons	6.15					
Working with composition material; Scaffold, swinging stage or temporary platform over 8' high; Operator of power machines	6.40					
Working on scaffold, swing stage or temporary platform over 20' high	6.65					
ELECTRICIANS:						
Electricians	7.78	.32	1%		1%	
Cable splicers	8.03	.32	1%		1%	
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (Prob.)	50%JR					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	7.10	.40	.65		.10	
MILLWRIGHTS	7.24	.45	.40	.40	.04	
PLASTERERS	6.47			.20		
PLUMBERS; Steamfitters:						
Zone 1 (10 mi. radius from Cheyenne P.O.)	6.47	.45	.25	.70	.09	
Zone 2 (10 mi. radius beyond Zone 1)	7.07	.45	.25	.70	.09	
Zone 3 (15 mi. radius beyond Zone 2)	7.67	.45	.25	.70	.09	
Zone 4 (Jurisdiction beyond Zone 3)	8.52	.45	.25	.70	.09	
Zone 5 (Footnote "b")						
General Contracts $700,000.00 or less	6.47	.45	.25	.70	.09	
General Contracts over $700,000.00	6.97	.45	.25	.70	.09	
ROOFERS	7.31					
SHEET METAL WORKERS	7.48	.27				
SPRINKLER FITTERS	7.95	.30	.50		.05	

WELDER; Rigger: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Use only in the cities of Laramie, Torrington, Wheatland, Evaston, Green River and Rock Springs within a 5-mile radius from the Post Office of each of the above cities.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

1-WYO-2-3-a (1-1)

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Carpenters	$4.61					
Cement Masons	3.89					
Ironworkers, structural	5.12					
Ironworkers, reinforcing	3.72					
Painters, brush & spray	5.00					

WYOMING LINE CONSTRUCTION - J (1-1)

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:						
Cable Splicer	$7.55	.25	1%	3%	3/4%	
Linemen	6.86	.25	1%	3%	3/4%	
Equipment Operator	6.28	.25	1%	3%	3/4%	
Groundman	5.18	.25	1%	3%	3/4%	
All work 34.5 KV and under						
Lineman	6.63	.25	1%	3%	3/4%	
Line Equipment Operator	5.76	.25	1%	3%	3/4%	
Groundman	5.12	.25	1%	3%	3/4%	

BUILDING CONSTRUCTION

AQ-1.009 P. 3
1-WYD-LAB-1-f (1-2)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Axeman and hand faller; Concrete worker (wet or dry) (curing and drying); Car and truck loader; Dumpman; Erector and installer (includes the installation and erection of all fences, right-of-way, median fence, snow fence, etc., guard rails, section rails, reference posts, guide posts, signs and right-of-way markers); Form stripper; Form setter helper (paving); General Laborer; Gunite helper; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman (air and water); Pipe setter helpers, non-metallic; Pipe setters helpers, corrugated; All work pertaining to pre-watering, pre-irrigation, and pre-wetting; Rodman; Raprap man; Sand-blaster pot tender; Signalman, grade, concrete, etc.; Sisserman or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews; Unloading and packing of steel rods and mesh (reinforcing); Heater tender and pilot car operator	$4.40	.20				
GROUP II Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Carpenter tender; Cement mason tender; Chuck tender; Form setter (paving); Hand operator vibrator roller; Landscaper; Mechanical form cleaner; Mortar man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrugated; culvert pipe, multi-plate, sectional plate and similar type; Pipe Wrapper; Power-type concrete buggy (push); Power saw operator (clearing); Vibrator (concrete); Creosote material handler (corrosive enamel or its equal); Burner (cutting torch)	4.62	.20				

AQ-1.009 P. 4
1-WYD-LAB-1-f (2-2)

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP III Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle, shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sand-blaster nozzleman; Sewer pipe installer, non-metallic; Caulker; Collarman; Jointer; Mortarman; Rigger; Jacker; Power-type concrete buggy (ride); Shoring and lagging of open ditch	4.68	.20				
GROUP IV Powderman and blaster; Wagon drill, air track, diamond and other drills for blasting powder or grouting	4.90	.20				
GROUP V Hod carriers; Mason tender; Plasterers tenders; Terrazzo tenders; Tile setter tenders, and Scaffold builders.	4.90	.20				
GROUP VI TUNNEL AND UNDERGROUND WORK: Miners (drills) Machine man; Timberman; Steelman; Drill doctor; Form setter and movers; Spaders; Tuggers; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar man; Powderman	5.15	.20				
GROUP VII Nipper; Chuck tender; Top man or top-lander	4.99	.20				
GROUP VIII Brakeman and vibrator man	4.88	.20				
GROUP IX Mucker and bull gang laborer	4.72	.20				

HEAVY & HIGHWAY CONSTRUCTION

AQ-1,009 P. 5
1-WYO-LAB-2-3-g (1-2)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
Axeman and hand faller; Bin wall installer helpers; Concrete worker (wet or dry); Concrete workers (curing and drying); Dumpman; Erector and installer (incl. the installation and erection of fences, snow fence, guard rails, median rails, median posts, signs and right of way marker); Form stripper; Form setter helper (paving); General labor; Gunite helper; Heater tender; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe setters helpers (non-metallic); Pipe setters helpers (corrugated); Pre watering, pre wetting and pre irrigation (all work); Rip rap man; Sandblaster pot tender; Signal men, grade concrete, etc.; Scissor man or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews	$3.35					
GROUP II						
Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Cement mason or finisher, helper and tender; Chuck tender; Form setter (paving); Hand operated vibratory roller; Landscaper; Mortar man on stone rip rap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe setter (corrugated, culvert pipe sectional, multiplate and similar type); Pipe setter, pipelayer (non-metallic); Pipewrapper; Powderman helper; Power type concrete buggy (push or ride); Power saw operator (clearing); Vibrator, concrete	3.45					

AQ-1,009 P. 6
1-WYO-LAB-2-3-g (2-2)

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP III						
Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer (non-metallic), clay, concrete, etc. (Caulker, collarman, jointer, mortarman, rigger, jacker	$3.60					
GROUP IV						
Powderman and blaster; Wagon drill, air-trac, diamond, and other drills for blasting powder or grouting	3.85					
GROUP V - TUNNEL AND UNDERGROUND WORK						
Brakeman; Swamper; Vibrator man	3.83					
Bull gang; Dumpman; Mucker; Trackman	3.67					
Miners (drillers) machine men; Timbermen; Steelmen; Drill doctor; Form setter and mover; Spader; Tuggers spilling and/or caisson workers; Powdermen; Jackhammermen; Finishers	4.10					
Nipper; Chucktender; Topman; Toplander	3.94					

BUILDING CONSTRUCTION

AG-1,000 P. 7

1-WTO-PEO-1-b (1-3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BATCH BIN WEIGHMAN, Scissorman, or Hopperman; Beginner Op.; Brakeman and Helpers; Crusher Oiler, Oiler, utility; Scraper Equipment, Multiple Units; Screed Operator	$ 3.81	.15	.15		.01	
PUMP OPERATOR (under 6 inches)	3.83	.15	.15		.01	
AUGER MACHINE OPERATOR; Broom Operators, self-propelled; Cableway Signalman (bellboy); Concrete Saw (self-propelled) Fireman; Power Loader, Belt & Bucket type; Tractor Operators: Farm, crawler or wheel type 60 h.p. (drawbar) or less w/wo use of power attachments, except for use on back of hoe or bucket	3.86	.15	.15		.01	
AIR COMPRESSOR over 315 cu. ft. cap.; Chip Spreader Op.; Form Grader Op., Helper (welder or heavy duty); Joint Machine Op.; Longitudinal Float Op.; Mixer Op., Concrete (under 1 yd.); Roller Op., self-propelled (pneumatic rubber tired, sheep foot, vibratory or combination type); Tire Repairman	3.91	.15	.15		.01	
PUMP OPERATOR (over 6 inches)	3.94	.15	.15		.01	
CONVEYOR BELT OPERATOR; Fork Lift and Lumber Stacker; Screening Plant Op.	3.96	.15	.15		.01	
"A" FRAME TRUCK; Front End Loader (up to 3/4 cu. yds.); Tractor Operators: Farm, crawler or wheel type, over 60 h.p. (drawbar) w/o use of power attachments	4.01	.15	.15		.01	
OILER, LEAD UTILITY	4.05	.15	.15		.01	
GUNNITE & GROUT MACHINE OPERATOR: Mulching Machine Op.; Oil Distributor	4.06	.15	.15		.01	
FRONT END LOADER (3/4 & incl. 2 cu. yd.); Pavement Breakers, Hydro-Tamper & sim. type Machines; Pumps, Well Points	4.16	.15	.15		.01	

AG-1,000 P. 8

1-WTO-PEO-1-b (2-3)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
AIR COMPRESSOR, 2 or more machines; Hoist Op. (1 drum); Welding Machine Op. (gas or diesel)	$ 4.21	.15	.15		.01	
HAULAGE MOTORMAN AND INDUSTRIAL TYPE MOTORMAN	4.23	.15	.15		.01	
ASPHALT PLANT OPERATOR: Bituminous Laydown Machine Op.; CMI Machine & sim.; Concrete Batch Plant; Concrete Finish Machine Op.; Concrete Multi blade span saw (Hunt process or sim.); Concrete Spreader & Paver Op.; Crusher Op.; Drilling Machine, Integrated (Core, Rotary, Caisson, Diamond); Econommobile; Elevating Grader; Finish Dozer Op.; Jumbo Form Op.; Joy Cutter & sim. type machines; Mixer, Bituminous Op. (travel plant); Mixer Op., Base Course Pug Mill type; Mixer Op., Concrete (over 1 yd.); Motor Patrol Op.; Mucking Machine Op. (all types); Pneumatic Guns; Pumpcrete Op.; Roller Op. (Tandem steel wheel, 3 axle or 3 wheel); Ross Carrier & sim. type Machines; Scraper Equipment (all types); Shovels, Draglines, Piledrivers: 3/4 yd. & smaller, all attachments; Shuttle Car Op.; Subgrade Machine Op. (power); Tractor Operators, all w/use of power attachments & incl. Pushcat, Dozer, Tournadozer, etc. (The use of power attachments shall not incl. disking, pulling or rollers, & sim. unskilled actions); Trenching Machine Op.; Wash Plant Op.; Front End Loader (over 1 cu. yd.)	4.38	.15	.15		.01	
WELDER, MACHINE DOCTOR	4.42	.15	.15		.01	
HEAVY DUTY MECHANIC, Machine Doctor; Hoist Op. (2 or more drums or shafts of raises)	4.48	.15	.15		.01	
CABLEWAY OPERATORS; Cranes (Whirley, Gantry, Stiffleg, Hydro Cranes); Locomotive Engineer; Mixer, Dual Drum; Shovels, Draglines, Piledrivers; over 3/4 yds. to 3 1/2 yds., all attachments	4.53	.15	.15		.01	

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
SHOVELS, DRAGLINES, PILEDRIVERS: over 3 1/2 yds. to 7 cu. yds. all attachments; Wheel Excavator Operator	$ 4.68	.15	.15		.01	
SHOVELS, DRAGLINES, PILEDRIVERS: 7 cu. yds. and over	4.98	.15	.15		.01	

Fifteen Cents (15c) per hour for each additional connected tractor.

Boom Pay - One Cent (1c) per hour per foot over 80 feet not to exceed 50c per hour.

Caisson Drilling Machine, truck or truck mounted, Oiler; Oiler on Cranes and Shovels; Truck Crane Carrier Operator - 50c under Operator's rate.

Scraper Equipment, Multiple Units: Fifteen cents (15c) per hour additional per unit.

Underground Work shall be paid an additional twelve and one-half cents (12 1/2c) per hour more than the regular rate.

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I AUGER MACHINE OPERATOR (Post hole, etc., Batch bin weighman, Scissorman or hopperman; Beginner operator; Brakeman and helpers; Crusher oiler, utility screed operator; Tractor operator, farm, crawler or wheel type, 60 hsp. (drawbar) or less with or without use of power attachments except for use of backhoe or bucket	$4.60	.17	.20		.01	
GROUP II BROOM OPERATORS, self-propelled; Cableway signalman (bellboy); Concrete saw (self-propelled); Fireman; Power loader, belt and bucket type	4.65	.17	.20		.01	
GROUP III AIR COMPRESSOR over 315 cu. ft. cap.; Chip spreader operator; Form grader; Joint machine operator; Longitudinal float operator; Mixer operator, concrete (under 1 yd.); Helper (welder or heavy duty); Roller operator; self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire repairman	4.70	.17	.20		.01	
GROUP IV PUMP OPERATOR (except in tunnels, shafts raises)	4.73	.17	.20		.01	
GROUP V CONVEYOR BELT OPERATOR; Fork lift and lumber stacker; Screening plant operator	4.76	.17	.20		.01	
GROUP VI A-FRAME TRUCK; Tractor operator, farm, crawler or wheel type, over 60 hsp. (drawbar); Without use of power attachments	4.81	.17	.20		.01	
GROUP VII OILER, Lead utility	4.85	.17	.20		.01	
GROUP VIII GUNNITE AND GROUT MACHINE OPERATOR; Mulching machine operator; Oiler distributor	4.86	.17	.20		.01	

AQ-1,000 P. 11

1-WYO-LAB-2-3 (2-3)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP IX						
FRONT END LOADER (up to and incl. 1½ cu. yds.); Pavement breakers, hydro-tamper and similar type machine; Pump, well points	$4.97	.17	.20		.01	
GROUP X						
HOIST OPERATOR (one drum)	5.02	.17	.20		.01	
GROUP XI						
HAULAGE MOTORMAN AND INDUSTRIAL TYPE MOTORMAN; Motor patrol operator (all except finish); Pump operator (in tunnels, shafts, raises); Hydro type cranes (up to 15 tons)	5.04	.17	.20		.01	
GROUP XII						
AIR COMPRESSOR, two or more machines or tunnels, shafts, raises or plant operator; Asphalt plant operator; Bituminous laydown machine operator; CMI machine and similar; Concrete batch plant; Concrete finish machine operator; Concrete multiblade span saw (Hunt process or similar); Concrete spreader and paver operator; Crusher operator; Drilling machine, integrated (core, rotary, caisson, diamond); Elevating grader; Front end loader (over 1½ cu. yds.); Jumbo form operator; Mixer operator, base course pugmill type; Mixer bituminous operator (travel plant); Mixer operator, concrete (over one yd.); Motor patrol operator (finish); Mucking machine operator; (all types); Pneumatic guns; Pumpcrete operator; Roller operator (tandem steel wheel 3 axle, or 3 wheel); scraper equipment (all types); Shovels, draglines, cranes, piledrivers, all truck mounted cranes (mfg's rating) up to 3½ yds. all attachments; Hydro type cranes (15 tons and over); Shuttle car operator subgrade machine operator (power); Tractor operators (all w/use of power attachments and incl. Pushcat, dozer, tournadozer, etc.); Trenching machine operator; Wash plant operator	5.21	.17	.20		.01	

AQ-1,000 P. 12

1-WYO-PEO-2-3 (3-3)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XIII						
WELDER, Machine doctor	$5.25	.17	.20		.01	
GROUP XIV						
HOIST OPERATOR (two or more drums or shafts or raises); Heavy duty mechanics, machine doctor	5.31	.17	.20		.01	
GROUP XV						
CABLEWAY OPERATOR; Mixer, dual drum; cranes (Whirley, Gantry, Stiffleg, Overhead traveling)	5.37	.17	.20		.01	
GROUP XVI						
SHOVELS, Draglines, Cranes, Piledrivers, all truck mounted cranes (mfg's rating) 3½ to 7 cu. yds., all attachments; Wheel operator	5.53	.17	.20		.01	
GROUP XVII						
SHOVELS, Draglines, cranes, piledrivers, all truck mounted cranes (mfg's rating) 7 cu. yds. and over, all attachments	5.85	.17	.20		.01	

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I DUMP (Water level capacity box) over 40 cu. yds. to and incl. 45 cu. yds.	$4.90					
GROUP II FIELD MECHANICS	4.88					
GROUP III DUMP (Water level capacity box) 35 cu. yds. to and incl. 40 cu. yds.	4.85					
GROUP IV DUMP (Water level capacity box) 30 cu. yds. to and incl. 35 cu. yds.	4.80					
GROUP V DUMP (Water level capacity box) 25 cu. yds. to and incl. 30 cu. yds.	4.75					
GROUP VI DUMP (Water level capacity box) 20 cu. yds. to and incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	4.65					
GROUP VII LOWBOY AND Tandem axle float drivers; Multiple axle type; Semi; Dump (Water level capacity box) 13 cu. yds. to and incl. 20 cu. yds.	4.65					
GROUP VIII HELPERS - FIELD (Welders, Mechanics, etc.)	4.41					
GROUP IX OVER 3600 gal. (semi-truck); Transit mix or wet mix over 10 cu. yds.	4.35					
GROUP X OVER 3600 gal. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle	4.25					

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP XI OVER 2500 gals. to and incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to and incl. 13 cu. yds.; Flat rack, over 5 tons; Winch trailer (cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle	$4.15					
GROUP XII DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers	4.05					
GROUP XIII DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spreader; Flat rack, less than 2 tons; Gang; Single axle type truck; Warehousemen; Partsmen and helpers; 2500 gals. or less (straight truck); Fuel service; Greasemen, Tiremen, Servicemen and helpers	3.95					
GROUP XIV PILOT CAR DRIVERS; Pick-up	3.85					

SUPERSEDEAS DECISION

AQ-1,010 P. 2

STATE: Wyoming
DECISION NUMBER: AQ-1,010
Supersedes Decision No. AM-2,476 dated August 27, 1971, 36 FR 17159
DESCRIPTION OF WORK: Highway Construction

COUNTY: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othr
Carpenters	$4.61					
Cement Masons	3.89					
Ironworkers, structural	5.12					
Ironworkers, reinforcing	3.72					
Painters, brush and spray	5.00					

WYOMING LINE CONSTRUCTION - J (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LINE CONSTRUCTION						
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:						
Cable Splicer	$7.55	.25	1%	3%	3/4%	
Linemen	6.86	.25	1%	3%	3/4%	
Equipment Operator	6.28	.25	1%	3%	3/4%	
Groundman	5.18	.25	1%	3%	3/4%	
All work 34.5 KV and under						
Lineman	6.63	.25	1%	3%	3/4%	
Line Equipment Operator	5.76	.25	1%	3%	3/4%	
Groundman	5.12	.25	1%	3%	3/4%	

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othr
GROUP I Axeman and hand faller; Bin wall installer helpers; Concrete worker (wet or dry); Concrete workers (curing and drying); Dumpman; Erector and installer (incl. the installation and erection of fences, snow fence, guard rails, median rails, median posts, signs and right of way marker); Form stripper; Form setter helper (paving); General labor; Gunite helper; Heater tender; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe setters helpers (non-metallic); Pipe setters helpers (corrugated); Pre watering, pre wetting and pre irrigation (all work); Rip rap man; Sandblaster pot tender; Signal men, grade concrete, etc.; Scissor man or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews	$3.35					
GROUP II Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Cement mason or finisher, helper and tender; Chuck tender; Form setter (paving); Hand operated vibratory roller; Landscaper; Mortar man on stone rip rap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe setter (corrugated, culvert pipe sectional, multiplate and similar type); Pipe setter, pipelayer (non-metallic); Pipewrapper; Powderman helper; Power type concrete buggy (push or ride); Power saw operator (clearing); Vibrator, concrete	3.45					

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP III						
Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer (non-metallic), clay, concrete, etc. (Caulker, collarman, jointer, mortarman, rigger, jacker	$3.60					
GROUP IV						
Powderman and blaster; Wagon drill, air-trac, diamond, and other drills for blasting powder or grouting	3.85					
GROUP V - TUNNEL AND UNDERGROUND WORK						
Brakeman; Swamper; Vibrator man	3.83					
Bull gang; Dumpman; Mucker; Trackman	3.67					
Miners (drillers) machine men; Timbermen; Steelmen; Drill doctor; Form setter and mover; Spader; Tuggers spilling and/or caisson workers; Powdermen; Jackhammermen; Finishers	4.10					
Nipper; Chucktender; Topman; Toplander	3.94					

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
AUGER MACHINE OPERATOR (Post hole, etc., Batch bin weighman, Scissorman or hopperman; Beginner operator; Brakeman and helpers; Crusher oiler, utility screed operator; Tractor operator, farm, crawler or wheel type, 60 hsp. (drawbar) or less with or without use of power attachments except for use of backhoe or bucket	$4.60	.17	.20		.01	
GROUP II						
BROOM OPERATORS, self-propelled; Cableway signalman (bellboy); Concrete saw (self-propelled); Firemen; Power loader, belt and bucket type	4.65	.17	.20		.01	
GROUP III						
AIR COMPRESSOR over 315 cu. ft. cap.; Chip spreader operator; Form grader; Joint machine operator; Longitudinal float operator; Mixer operator, concrete (under 1 yd.); Helper (welder or heavy duty); Roller operator; self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire repairman	4.70	.17	.20		.01	
GROUP IV						
PUMP OPERATOR (except in tunnels, shafts raises)	4.73	.17	.20		.01	
GROUP V						
CONVEYOR BELT OPERATOR; Fork lift and lumber stacker; Screening plant operator	4.76	.17	.20		.01	
GROUP VI						
A-FRAME TRUCK; Tractor operator, farm, crawler or wheel type, over 60 hsp. (drawbar); Without use of power attachments	4.81	.17	.20		.01	
GROUP VII						
OILER, Lead utility	4.85	.17	.20		.01	
GROUP VIII						
GUNNITE AND GROUT MACHINE OPERATOR; Mulching machine operator; Oiler [illegible]	[illegible]	.17	.20		.01	

AQ-1,010 P. 5

1-WYO-LAB-2-3 (2-3)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP IX FRONT END LOADER (up to and incl. 1½ cu. yds.); Pavement breakers, hydro-tamper and similar type machine; Pump, well points	$4.97	.17	.20		.01	
GROUP X HOIST OPERATOR (one drum)	5.02	.17	.20		.01	
GROUP XI HAULAGE MOTORMAN AND INDUSTRIAL TYPE MOTORMAN; Motor patrol operator (all except finish); Pump operator (in tunnels, shafts, raises); Hydro type cranes (up to 15 tons)	5.04	.17	.20		.01	
GROUP XII AIR COMPRESSOR, two or more machines or tunnels, shafts, raises or plant operator; Asphalt plant operator; Bituminous laydown machine operator; CMI machine and similar; Concrete batch plant; Concrete finish machine operator; Concrete multiblade span saw (Hunt process or similar); Concrete spreader and paver operator; Crusher operator; Drilling machine, integrated (core, rotary, caisson, diamond); Elevating grader; Front end loader (over 1½ cu. yds.); Jumbo form operator; Mixer operator, base course pugmill type; Mixer bituminous operator (travel plant); Mixer operator, concrete (over one yd.); Motor patrol operator (finish); Mucking machine operator; (all types); Pneumatic guns; Pumpcrete operator; Roller operator (tandem steel wheel 3 axle, or 3 wheel); scraper equipment (all types); Shovels, draglines, cranes, piledrivers, all truck mounted cranes (mfg's rating) up to 3½ yds. all attachments; Hydro type cranes (15 tons and over); Shuttle car operator subgrade machine operator (power); Tractor operators (all w/use of power attachments and incl. Pushcat, dozer, tournadozer, etc.); Trenching machine operator; Wash plant operator	5.21	.17	.20		.01	

AQ-1,010 P. 6

1-WYO-PEO-2-3 (3-3)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP XIII WELDER, Machine doctor	$5.25	.17	.20		.01	
GROUP XIV HOIST OPERATOR (two or more drums or shafts or raises); Heavy duty mechanics, machine doctor	5.31	.17	.20		.01	
GROUP XV CABLEWAY OPERATOR; Mixer, dual drum; cranes (Whirley, Cantry, Stiffleg, Overhead traveling)	5.37	.17	.20		.01	
GROUP XVI SHOVELS, Draglines, Cranes, Piledrivers, all truck mounted cranes (mfg's rating) 3½ to 7 cu. yds., all attachments; Wheel operator	5.53	.17	.20		.01	
GROUP XVII SHOVELS, Draglines, cranes, piledrivers, all truck mounted cranes (mfg's rating) 7 cu. yds. and over, all attachments	5.85	.17	.20		.01	

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Othr.
GROUP I DUMP (Water level capacity box) over 40 cu. yds. to and incl. 45 cu. yds.	$4.90					
GROUP II FIELD MECHANICS	4.88					
GROUP III DUMP (Water level capacity box) 35 cu. yds. to and incl. 40 cu. yds.	4.85					
GROUP IV DUMP (Water level capacity box) 30 cu. yds. to and incl. 35 cu. yds.	4.80					
GROUP V DUMP (Water level capacity box) 25 cu. yds. to and incl. 30 cu. yds.	4.75					
GROUP VI DUMP (Water level capacity box) 20 cu. yds. to and incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	4.65					
GROUP VII LOWBOY AND Tandem axle float drivers; Multiple axle type; Semi; Dump (Water level capacity box) 13 cu. yds. to and incl. 20 cu. yds.	4.65					
GROUP VIII HELPERS - FIELD (Welders, Mechanics, etc.)	4.41					
GROUP IX OVER 3600 gal. (semi-truck); Transit mix or wet mix over 10 cu. yds.	4.35					
GROUP X OVER 3600 gal. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle	4.25					

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP XI OVER 2500 gals. to and incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to and incl. 13 cu. yds.; Flat rack, over 5 tons; Winch trailer (cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle	$4.15					
GROUP XII DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers	4.05					
GROUP XIII DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spreader; Flat rack, less than 2 tons; Gang; Single axle type truck; Warehousemen; Partsmen and helpers; 2500 gals. or less (straight truck); Fuel service; Greasemen, Tiremen, Servicemen and helpers	3.95					
GROUP XIV PILOT CAR DRIVERS; Pick-up	3.85					

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