

# Register

August 24, 1973—Pages 22759-22876

FRIDAY, AUGUST 24, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 164

Pages 22759-22876

## PART I



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**federal register**

Phone 523-5240

Area Code 202



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

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## Title 5—Administrative Personnel

### CHAPTER XIV—FEDERAL LABOR RELATIONS COUNCIL AND FEDERAL SERVICE IMPASSES PANEL

#### SUBCHAPTER B—FEDERAL LABOR RELATIONS COUNCIL

#### PART 2410—COUNCIL INTERPRETATIONS OF THE ORDER AND STATEMENTS ON MAJOR POLICY ISSUES

On May 21, 1973, there was published in the FEDERAL REGISTER (38 FR 13390) a notice of proposed amendments of rules governing the Council's issuance of interpretations of the order and statements on major policy issues.

Interested persons were invited to submit their views and suggestions in writing on or before June 20, 1973. All relevant matter which was submitted has been carefully considered, and the Council has decided to adopt the proposed amendments, with changes, as set forth below.

Accordingly, the Council amends Title 5 of the Code of Federal Regulations, Chapter XIV, Subchapter B, Part 2410, to read as follows:

2410.1 Definitions.

2410.2 Scope.

2410.3 Considerations governing issuance of interpretations and policy statements.

2410.4 Requests for interpretations and policy statements.

2410.5 Content of request.

2410.6 Submissions from interested parties.

2410.7 Effect of interpretations and policy statements.

2410.8 Issuance and publication of interpretations and policy statements.

AUTHORITY: 5 U.S.C. 3301, 7301; 3 CFR, E.O. 11491, as amended.

#### § 2410.1 Definitions.

(a) "Order" means Executive Order 11491 of October 29, 1969, entitled "Labor-Management Relations in the Federal Service," 34 FR 17605, as amended by Executive Order 11616 of August 26, 1971, 36 FR 17319, and by Executive Order 11636 of December 17, 1971, 36 FR 24901.

(b) "Executive Director" means the Executive Director of the Council.

(c) Terms defined in the order are used in this part with the meaning attached to them in the order.

#### § 2410.2 Scope.

This part sets forth the procedures under which the Council, as provided in sec. 4(b) of the order, will issue interpretations of the order and statements on major policy issues.

#### § 2410.3 Considerations governing issuance of interpretations and policy statements.

(a) The Council shall, in its discretion, issue interpretations of the order and statements on major policy issues which it deems to have general applicability to the overall program in assuring the effectuation of the purposes of the order. The Council may act on its own initiative or upon request as provided in § 2410.4.

(b) In deciding whether to issue an interpretation or a policy statement, the Council shall consider:

(1) Whether the question presented can more appropriately be resolved by other means available under law, other Executive orders, regulation or the order;

(2) Where other means are available, whether Council action would prevent the proliferation of cases involving the same or similar question of interpretation or major policy issue;

(3) Whether the resolution of the question presented would have general applicability to the overall program;

(4) Whether the issue currently confronts parties in the context of a labor-management relationship;

(5) Whether the question is presented jointly by the parties involved; and

(6) Whether Council resolution of the question of interpretation or major policy issue would promote constructive and cooperative labor-management relationships in the Federal service and would otherwise promote the purposes of the order.

#### § 2410.4 Requests for interpretations and policy statements.

(a) The head of an agency (or his designee), the national president of a labor organization (or his designee), or the president of a labor organization not affiliated with a national organization (or his designee) may separately or jointly ask the Council for an interpretation of the order or a statement on a major policy issue. The head of any lawful association not qualified as a labor organization may also ask the Council for such an interpretation or statement, provided the request is consistent with the principles set forth in secs. 7(d) (2) and (3) of the order.

(b) The Council will not consider a request related to a pending petition, application, charge, or complaint which the Council is advised has been filed pursuant to the Assistant Secretary's regulations unless the party involved in

the case filing the request with the Council has first secured the prior approval of the Assistant Secretary.

#### § 2410.5 Content of request.

(a) A request for an interpretation or policy statement shall be in writing and must contain:

(1) A concise statement of the major policy issue to be determined or provision of the order to be interpreted together with background information necessary to an understanding of the issue;

(2) A statement of the considerations under § 2410.3 upon which the request is based;

(3) A full and detailed statement of the position or positions of the requesting party or parties;

(4) Identification of any cases or other proceedings known to bear on the issue which are pending under other provisions of the order; and

(5) Identification of other known interested parties.

(b) Unless otherwise provided by the Executive Director, any document filed with the Council under this part shall be submitted in an original and three copies. A copy of each document also shall be served on all known interested parties, the Assistant Secretary, the Federal Service Impasses Panel, and the Federal Mediation and Conciliation Service.

(c) A request shall be addressed to the Executive Director, Federal Labor Relations Council, 1900 E Street NW., Washington, D.C. 20415.

#### § 2410.6 Submissions from interested parties.

Prior to issuance of an interpretation or major policy statement, the Council, as it deems appropriate, will afford an opportunity to interested parties to express their views at a formal hearing or in writing.

#### § 2410.7 Effect of interpretations and policy statements.

Council interpretations and major policy statements issued under this part shall be binding on all parties under the order including those responsible for administering the order.

#### § 2410.8 Issuance and publication of interpretations and policy statements.

Interpretations and statements on major policy issues provided under this part shall be distributed to agencies and labor organizations and made available



to other interested persons at the Office of the Council.

For the Council.

ROBERT E. HAMPTON,  
Chairman.

[FR Doc. 73-17878 Filed 8-23-73; 8:45 am]

#### Title 7—Agriculture

### CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT, DEPARTMENT OF AGRICULTURE)

#### SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

### PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

#### Termination of the Program

The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sections 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j) to provide for the termination of requirements for the acquisition of domestic marketing certificates under the Processor Wheat Marketing Certificate Program as to wheat processed on and after July 1, 1973. It also provides for transition relief from these requirements with respect to wheat processed into food products prior to such date if the food product was still in inventory or in transit on such date as hereinafter described.

The authority to terminate the program and to facilitate the transition from the certificate program provided for under section 379d of the Agricultural Adjustment Act of 1938, as amended, to a program under which no certificates are required is contained in the Agriculture and Consumer Protection Act of 1973. The Act provides that "sections 379d, 379e, 379f, 379g, 379h, 379i, and 379j of the Agricultural Adjustment Act of 1938 (which deal with marketing certificate requirements for processors and exporters) shall not be applicable to wheat processed or exported during the period July 1, 1973, through June 30, 1978. It also amends section 379g by adding the following new subsection (c):

"(c) The Secretary is authorized to take such action as he determines to be necessary to facilitate the transition from the certificate program provided for under section 379d to a program under which no certificates are required. Notwithstanding any other provision of law, such authority shall include, but shall not be limited to the authority to exempt all or a portion of wheat or food products made therefrom in the channels of trade on July 1, 1973, from the marketing restrictions in subsection (b) of section 379d, or to sell certificates to persons owning such wheat or food products made therefrom at such price and under such terms and conditions as the Secretary may determine. Any such certificate shall be issued by the Commodity Credit Corporation. Nothing herein shall authorize the Secretary to require

certificates on wheat processed after June 30, 1973."

This amendment also recognizes that industrial users and distributors of flour second clears may have a supply of such clears on hand as of the termination date of the program. Therefore industrial users shall be permitted to continue filing claims for refunds through September 30, 1973. Likewise distributors will be permitted to continue issuing distributor certifications on Form CCC-165-1 through September 15, 1973, for flour second clears for which certifications on Form CCC-165 have been obtained for flour second clears processed prior to July 1, 1973.

Since the provisions of this amendment are to the advantage of the participants under the program and certificate requirements under the program have been terminated by legislation retroactively as to wheat processed on and after July 1, 1973, it is hereby found and determined that compliance with the notice, public procedure and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is unnecessary and contrary to the public interest and that this amendment shall be effective upon publication in the FEDERAL REGISTER.

The Processor Wheat Marketing Certificate Regulations, 7 CFR Part 777, as amended (36 FR 21256, 38 FR 14959) are amended as follows:

Section 777.5 is amended by changing the third sentence and inserting a new fourth sentence to read as follows:

#### § 777.5 Applicability of certificate requirements.

(a) General.—\* \* \* The cost of domestic certificates shall be 75 cents a bushel during the marketing years covered by the period July 1, 1965, through June 30, 1973. Domestic certificates shall not be required for wheat processed on and after July 1, 1973. \* \* \*

A new § 777.21 is added to read as follows:

#### § 777.21 Transition relief at termination of the program.

(a) General.—It has been determined necessary to facilitate the transition from a program requiring marketing certificates to be acquired by food processors to a program under which no certificates are required, by providing that no certificates need be acquired by food processors as to certain wheat processed into food products prior to July 1, 1973, as described in paragraph (b) of this section.

(b) Type of relief.—(1) Except as provided in paragraph (b) (2) of this section, transition relief shall be provided for wheat processed into food products, as follows:

(i) Flour or other food products in inventory as of 11:59 p.m. local time June 30, 1973, in the processor's plant and such food products which the proc-

essor owns and has in storage in a warehouse as of such time.

(ii) Flour or other food products in transit from the processor's plant as of 11:59 p.m. local time June 30, 1973, and not received until after such time at the destination indicated on the bill of lading, manifest, or other similar document issued on shipment from the plant. "Received" shall mean arrival at such destination or, in the case of rail cars, actual or constructive placement of the car at such destination.

(2) Relief under this paragraph (b) shall not apply to (i) flour second clears processed prior to July 1, 1973, for which a certification on Form CCC-165 has been issued; (ii) wheat processed into food products which are destined for export; (iii) wheat processed into food products sold to the United States Government or any agency thereof; and (iv) wheat processed into beverage distilled spirits.

(c) Reports.—To obtain relief as provided in paragraph (b) of this Section, corrected processing reports shall be filed as provided in the following subparagraphs on or before September 30, 1973 or such later date as may be approved by the Director, Prairie Village ASCS Commodity Office for good cause shown.

(1) Reports on Form CCC-160, Processing Report, Weight of Wheat Basis.—Processors reporting on the weight of wheat basis shall include in the remarks section of the form a schedule showing the respective quantities of food products claimed as a deduction under paragraph (b) of this section. (Use the reverse side of the form, if necessary.) Deductions claimed for food products in transit under paragraph (b) (2) of this section shall be supported with a certification on Form CCC 87, Wheat Food Product Transit Certification. The following conversion factors shall be used to determine the bushel equivalent of the food products which are claimed as deductions.

Type of Product	Bushels per 100 pounds
Wheat flour (including clears) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction rate operation	2.218
Whole wheat flour or graham flour	1.700
Semolina and Farina	2.218
Bulgar (87 percent type of extraction operation)	1.838
Rolled Wheat (92.8 percent type of extraction operation)	1.798

For food products not listed above, the processor shall use his latest monthly conversion factor which may be determined by dividing the total bushels of wheat used to process such products by the hundredweights of products produced during the final reporting period. In the event the processor is unable to compute the applicable conversion factor for certain food products, he may use



such other basis as may be approved by the Director.

(2) *Reports on Form CCC-159, Processing Report, Conversion Factor Basis.*—Processors reporting on the conversion factor basis shall include in the remarks section of the form a schedule showing the quantity of food products claimed as a deduction as provided in paragraph (b) of this section. (Use the reverse side of the form if necessary.) Deductions claimed for food products in transit under paragraph (b)(2) of this section shall be supported with a certification on Form CCC-87, Wheat Food Product Transit Certification. Conversion factors listed in § 777.14(c) shall apply.

(d) *Refunds.*—Refunds shall be made, if applicable, to processors submitting corrected processing reports as provided in paragraph (c) of this section.

(e) *Industrial users of flour second clears.*—All claims for refund shall be filed on or before September 30, 1973, or such later date as may be approved by the Director, Prairie Village ASCS Commodity Office for good cause shown. Flour second clears covered by certifications on Form CCC-165 which designate the marketing year in which processed as the marketing year beginning July 1, 1973, shall not qualify for refund.

(f) *Distributors of flour second clears.*—Distributors registered under § 777.20 may continue issuing certifications on Form CCC-165-1, Distributor Certification, Flour Second Clears, for flour second clears covered by a Form CCC-165, Processor Certification, Flour Second Clears, through September 15, 1973. Flour second clears covered by certifications on Form CCC-165 which designate the marketing year in which processed as the marketing year beginning July 1, 1973, shall not be included on any certifications on Form CCC-165-1.

Subparagraph 13 of Appendix II is amended by adding the following sentences:

**APPENDIX II—INSTRUCTIONS FOR PREPARATION OF PROCESSING REPORT—WEIGHT OF WHEAT BASIS**

(13) \* \* \* For purposes of the report to cover the final reporting period, the quantity of wheat reported may be reduced by the wheat equivalent of food products eligible for deduction under provisions of Section 777.21. Show in the remarks section, the quantity of wheat deducted under such provision.

Subparagraph 5 of Appendix III is amended by adding the following sentence:

**APPENDIX III—INSTRUCTIONS FOR PREPARATION OF PROCESSING REPORT—CONVERSION FACTOR BASIS**

(5) \* \* \* For purposes of the report to cover the final reporting period, the quantity of food products processed may be reduced by the quantity of food products which may be deducted under provisions of Section 777.21. Processors reporting on the basis of sales or removals from the plant shall deduct only that quantity of food products which

are in transit as provided in § 777.21(b)(2). Show in the remarks section, the total quantity of food products processed during the final reporting period.

Signed at Washington, D.C. on August 20, 1973.

GLENN A. WEIR,  
Acting Administrator, ASCS.

[FR Doc.73-17968 Filed 8-23-73; 8:45 am]

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

[Lemon Regulation 600]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

**PREAMBLE**

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 26-Sept. 1, 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.

**§ 910.900 Lemon Regulation 600.**

(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 regulation 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 continued strong last week, exceeding supplies for 165's and larger sizes but eased somewhat on 200's and cooler weather this week may cause demand to ease.

Average f.o.b. price was \$7.30 per carton the week ended August 18, 1973,

compared to \$6.66 per carton the previous week.

Track and rolling supplies at 120 cars were down 33 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation 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 regulation, 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 regulation effective during the period herein specified; and compliance with this regulation 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 21, 1973.

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

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: August 22, 1973.

CHARLES R. BRADER,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[FR Doc.73-18188 Filed 8-23-73; 2:36 pm]



# CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

## SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

### PART 1427—COTTON

#### Subpart—1973-Crop Supplement to Cotton Loan Program Regulations

##### Correction

In FR Doc. 73-14845 appearing at page 19381 in the issue of Friday, July 20, 1973, and corrected at page 20317 in the issue of Tuesday, July 31, 1973, and page 21995 in the issue of Wednesday, August 15, 1973, make the following changes:

1. In the table to § 1427.101, under Georgia the first entry reading "Sylvester ———— Worth ———— 25.40", should read "Sylvester ———— Screben ———— 21.40". Under Louisiana the figure for "Lake Providence ———— East Carroll", reading "20.95", should read "20.85".

2. In the table to § 1427.102 on page 19383, the sixth entry in the column headed  $1\frac{1}{16}$  reading "-175" should read "+175". In the portion of that table on page 19384, the second entry in the column headed  $\frac{7}{8}$ , reading "-460" should read "-480"; and the first entry in the column headed  $1\frac{1}{2}$ , reading "+330" should read "+380".

#### 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 71—GENERAL PROVISIONS

##### Interstate Movement of Cattle; Identification

*Statement of consideration.*—On November 11, 1972, there was published in the FEDERAL REGISTER (37 FR 24040-24041), in accordance with the administrative procedure provisions in 5 U.S.C. 553, a notice of proposed rulemaking under the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905 (21 U.S.C. 111-113, 114a, 114a-1, 115-117, 120-126), with respect to animal identification under the regulations contained in Part 71, Title 9, Code of Federal Regulations. The purpose of the proposal was to (1) require the identification by backtag or other approved means of all cattle 2 years of age or over moving interstate, except steers and spayed heifers (and certain cattle moving directly to slaughter); (2) permit cattle being moved interstate for dairy or breeding purposes to be identified by ear tags in lieu of backtags; (3) exempt registered purebred animals being moved interstate for purposes other than slaughter from the backtagging or ear-tagging requirements; (4) exempt animals being moved interstate for any pur-

pose other than slaughter, provided, they are branded and are moved with an official brand inspection certificate; and (5) minimize removal or tampering with an identification backtag or ear tag as required by this Part. Interested persons were given 30 days in which to submit data, views or arguments regarding the proposed amendment.

Twenty-one letters of comment were received, 14 of which opposed the proposal with emphasis in opposition to the identification requirement for feeder and breeding cattle. Those favoring the amendment made recommendations that the age limit for requiring identification be lowered from "two years and over" to "six months and over."

After due consideration of all relevant material, including that submitted in connection with such notice, the amendment has been adopted as proposed, with the exception that in § 71.18(a) (1) (iii) the provision whereby ear tags may be used in lieu of backtags for the identification of cattle, moving interstate for breeding or dairy purposes has been broadened to include cattle for any purpose other than slaughter.

Great progress has been made in the control and eradication of communicable diseases of livestock, such as brucellosis, scabies, and tuberculosis. However, it is known that the contagion of brucellosis still exists in domestic animals in most States and Puerto Rico and there is reason to believe that communicable diseases of livestock may exist throughout the United States. The threat of the introduction of foot-and-mouth disease or other exotic diseases is ever present. The rapid transportation of animals in commercial channels makes it essential to locate and suppress foci of infection in the most rapid manner possible. The most efficient way to do this is to identify livestock in marketing channels and to trace diseased animals directly to farms of origin. In this manner, continued progress in disease eradication programs can be achieved; the interstate spread of diseases can be minimized by isolation and eradication of infection where found; and the probability of rapidly tracing diseases of foreign origin will be greatly strengthened.

Section 71.18 is amended to read:

§ 71.18 Individual identification of certain cattle 2 years of age or over for interstate movement.

(a) No cattle 2 years of age or over, except steers and spayed heifers, shall be moved interstate other than in accordance with the requirements of this section. All interstate movements of any cattle shall also comply with the other applicable provisions in this part and other parts of this subchapter.

(1) When permitted under such other provisions, cattle subject to this section:

(i) May be moved interstate from any point to any destination, if such cattle, when moved interstate, are identified by

a Department-approved backtag<sup>1</sup> affixed a few inches from the midline and just behind the shoulder of the animal, or by such other means approved by the Deputy Administrator, Veterinary Services, upon request in specific cases, and if such cattle are accompanied by a statement signed by the owner or shipper of the cattle, or other document<sup>2</sup> stating: (a) The point from which the animals are moved interstate; (b) the destination of the animals; (c) the number of animals covered by the statement, or other document; (d) the name and address of the owner or shipper, and (e) the identifying numbers of the backtags or other approved identification applied: *Provided*, That identification numbers are not required to be recorded on such statement or document for cattle moved from a stockyard posted under the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*),<sup>3</sup> directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or slaughtering establishment specifically approved under § 78.16(b) of this subchapter; or

(ii) May be moved interstate only from a farm, ranch, or feedlot to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or slaughtering establishment specifically approved under § 78.16(b) of this subchapter; or to a stockyard posted under the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), for sale and shipment to such a slaughtering establishment, if such cattle are identified upon arrival at such slaughtering establishment or stockyard by the application of Department-approved backtags or by other approved identification as prescribed in subdivision (i), and when moved interstate, are accompanied by a statement signed by the owner or shipper of the cattle, or other document<sup>3</sup> stating: (a)

<sup>1</sup> Department-approved backtags are available at slaughtering establishments operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), at stockyards and slaughtering establishments specifically approved under § 78.16(b) of this subchapter, and from Federal and State inspectors as defined in § 78.1 of this subchapter. Information with respect to the federally inspected slaughtering establishments, specifically approved slaughtering establishments, and specifically approved stockyards may be obtained as indicated in §§ 78.14 and 78.15 of this subchapter.

<sup>2</sup> Other document means a shipping permit, an official health certificate, an official brand inspection certificate, a bill of lading, a waybill, or an invoice on which is listed the required information.

<sup>3</sup> Posted stockyards are designated by posting notice at such stockyards and by publication in the FEDERAL REGISTER. Information concerning posted stockyards may also be obtained from the Washington office or the area offices of the Packers and Stockyards Administration.



the point from which the animals are moved interstate; (b) the destination of the animals; (c) the number of animals covered by the statement or other document; and (d) the name and address of the owner or shipper. *Provided*, That the application of backtags is not required if such cattle are moved interstate to a federally inspected or specifically approved slaughtering establishment and if, when moved interstate, such cattle are identified by a brand registered with an official brand inspection agency and are accompanied by an official brand inspection certificate. *And provided, further*, That the application of backtags is not required when such cattle are moved interstate to a federally inspected or specifically approved slaughtering establishment, which maintains records of ownership of cattle by slaughter lot number;<sup>4</sup> or

(iii) May be moved interstate for any purpose other than slaughter if such cattle, when moved interstate, are identified by Animal and Plant Health Inspection Service-approved ear tags in lieu of backtags, and are accompanied by an owner's statement or other document<sup>5</sup> stating: (a) the point from which the animals are moved interstate, (b) the destination of the animals, (c) the number of animals covered by the statement or other document, (d) the identifying numbers of the ear tags, and (e) the name and address of the owner or shipper. *Provided*, That identification by ear tag is not required if such animals are registered purebred animals which are moved interstate for any purpose other than slaughter and are identified in a manner acceptable to the appropriate breed association for registration purposes; or are identified by a brand registered with an official brand inspection agency and are accompanied by an official brand inspection certificate as prescribed in paragraph (a)(1)(ii) of this section.

(2) The owner's or shipper's statement or other document<sup>6</sup> or registered purebred identification required by this section for cattle moved under paragraph (a)(1)(i) or (ii) of this section shall be delivered to the management of the stockyard or slaughtering establishment at the time of delivery of the cattle;<sup>7</sup> and documents accompanying animals moved under paragraph (a)(1)(iii) of this section for breeding or dairy purposes shall be delivered to the consignee. All such documents shall be made avail-

able for inspection on request by a State or Federal inspector or an accredited veterinarian, as defined in § 78.1, at any time within the year from the date of such delivery.

(3) Each person who ships, transports, or otherwise causes the movement of the cattle interstate is responsible for the identification of the animals as required by this section. No such person shall remove or tamper with or cause the removal of or tampering with an identification backtag or ear tag required in this section for interstate movement of animals, except as he is authorized by the Deputy Administrator, Veterinary Services, upon request in specific cases and under such conditions as he may impose to insure continuing identification.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791, as amended; secs. 1-4, 33 Stat. 1264, 41 Stat. 699, as amended; sec. 11, 58 Stat. 734, as amended; sec. 13, 65 Stat. 693, as amended; sec. 3, 76 Stat. 130; 21 U.S.C. 111-114, 114a, 114a-1, 115-117, 120, 121-126, 134b; 37 FR 28464, 28477.)

**Effective date.**—The foregoing amendment shall become effective October 23, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of livestock diseases. It does not appear that further 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 further notice and other public procedure with respect to the amendment are impracticable and unnecessary.

Done at Washington, D.C., this 20th day of August 1973.

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

[FR Doc. 73-18010 Filed 8-23-73; 8:45 am]

## Title 12—Banks and Banking

### CHAPTER V—FEDERAL HOME LOAN BANK BOARD

#### SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 73-1157]

### PART 584—REGULATED ACTIVITIES

#### Management Interlocks

AUGUST 15, 1973.

The Federal Home Loan Bank Board considers it desirable to amend § 584.9 (b)(1) of the Regulations for Savings and Loan Holding Companies (12 CFR 584.9(b)(1)) governing management interlocks under sec. 408(1)(2) of the National Housing Act, as amended.

Under sec. 408(1)(2) of the Act it is unlawful for any director, officer, or person owning, controlling, or holding with power to vote, or holding proxies representing more than 25 percent of the voting shares of a savings and loan holding company, except with prior approval of the Corporation, to serve at the same time as a director, officer, or employee

of an insured institution or another savings and loan holding company not a subsidiary of such holding company. This provision is designed to be consistent with others in the Act which control further holding company acquisitions of insured institutions. This provision is implemented in § 584.9(b)(1).

Based upon the Board's experience in reviewing applications for prior approval under § 584.9(b)(1), the Board considers it desirable to set forth the standards upon which it may approve an application. Approval of an otherwise prohibited management interlock may be granted upon a showing that the service of the officer, director, or person in question would be consistent with the public interest, taking into account, among other factors: the degree of his involvement in the affairs of each insured institution and of other financial institutions, the degree of business relationship existing between or among the insured institutions involved, the physical proximity of the insured institutions involved, and the percentage of consolidated net income and assets of any applicant holding company represented by its subsidiary insured institutions.

Accordingly, the Board hereby amends Part 584 of the Regulations for Savings and Loan Holding Companies (12 CFR Part 584) by revising said § 584.9(b)(1) thereof to read as set forth below, effective August 24, 1973.

Since the above amendment states existing Board policy and is for the purpose of clarification, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would be in the opinion of the Board be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

#### § 584.9 Prohibited acts.

(b) *Management interlocks.*—No director or officer of a savings and loan holding company, or any person owning, controlling, or holding with power to vote, or holding proxies representing more than 25 percent of the voting shares of such holding company may:

(1) Serve at the same time as a director, officer, or employee of an insured institution or of another savings and loan holding company, not a subsidiary of such holding company, except with the prior written approval of the Corporation. Such approval may be granted upon a showing that the service of such officer, director or person would be consistent with the public interest, taking into account, among other factors: the degree of involvement of the officer, director or person in the affairs of each insured institution and of other financial institutions, the degree of business relationship existing between or among the insured

<sup>4</sup> It is the responsibility of the person who causes the interstate movement to determine whether the establishment maintains such records. As evidence that the establishment does maintain such records such person should obtain a statement to that effect from the management of the establishment and retain it for a period of five years from the date of shipment.

<sup>5</sup> The backtag or other identification numbers should be included on the receiving document of the stockyard or establishment for all such cattle identified by backtags or other identification after arrival at such stockyard or establishment.



institutions involved, the physical proximity of the insured institutions involved, and the percentage of consolidated net income and assets of any applicant holding company represented by its subsidiary insured institutions.

(Sec. 402, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,  
Assistant Secretary.

[FR Doc. 73-17973 Filed 8-23-73; 8:45 am]

#### Title 14—Aeronautics and Space

### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-15-AD; Amdt. 39-1705]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### General Dynamics 340/440/580/640 (Convair) Series, and All Model C-131E Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted July 27, 1973, and made effective immediately by airmail letter dated July 30, 1973, to all known operators or owners of General Dynamics 340/440/580/640 (Convair) Series and all Model C-131E airplanes. The airworthiness directive requires external initial and repeat inspections of nose landing gear drag strut upper left hand segments for crack development, and replacement with new or reworked parts, as necessary. The directive provides for equivalent inspections and installations approved by the Chief, Aircraft Engineering Division, FAA Western Region.

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 to all known operators of General Dynamics 340/440/580/640 (Convair) Series and Model C-131E airplanes. 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.

GENERAL DYNAMICS. Applies to General Dynamics 340/440/580/640 (Convair) Series and Model C-131E airplanes certificated in all categories.

Compliance required as indicated.

To prevent possible collapse of the nose landing gear due to fatigue cracks in the drag strut upper left hand segments, accomplish the following:

(a) Within ten landings after the effective date of this A.D., unless already accomplished within the last 590 landings prior to this A.D., and at one additional interval not to exceed 600 landings thereafter, perform

an external visual inspection of all P/N 340-5210103, 340-5215103 or 340-7310231 nose landing gear drag strut upper left hand segments for crack development in the area depicted by Figure 1, View A-A, General Dynamics Service Bulletin 640(340D) No. 32-7 dated June 20, 1973, by dye penetrant, eddy current or ultrasonic methods, per the accomplishment instructions in S.B. 32-7, dated June 20, 1973, or later FAA-approved revisions. (Disassembly of strut is not required).

(1) If crack development is noted, replace the drag strut prior to further flight, with new P/N 340-7310231-1, or serviceable parts (Items 1 through 4, Convair Service Engineering Report No. 340-44A/440-44A, dated June 16, 1961).

(2) If crack development is not indicated after the accomplishment of the foregoing inspections, repeat the inspection thereafter at intervals not to exceed 2,400 landings. If cracks are discovered, replace the drag strut, prior to further flight per a(1) above.

(3) If new P/N 340-7310231-1 is used as a replacement, the inspections of this A.D. may be discontinued, and normal maintenance practices will be observed.

(4) If a reworked part (cf: Convair Service Engineering Report, No. 340-44A/440-44A) is used as a replacement, perform an inspection for crack development prior to an additional 600 landings after installation per a, above. Repeat the inspections per a and (2) above.

(5) Any parts removed for crack development per this A.D., or as a result of any other inspection indicating a like condition, may not be returned to service unless a specific rework procedure has been approved by the Chief, Aircraft Engineering Division, FAA Western Region, and accomplished as to said parts.

(6) Aircraft may be operated per FAR 21.197 to a base for accomplishment of maintenance per this A.D.

(b) Equivalent inspections and installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) For the purpose of complying with this A.D., subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment is effective Aug. 27, 1973 except those to whom it was made effective immediately by airmail letter dated July 30, 1973.

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

Issued in Los Angeles, California on August 15, 1973.

ARVIN O. BASNIGHT,  
Director, FAA Western Region.

[FR Doc. 73-17935 Filed 8-23-73; 8:45 am]

[Airspace Docket No. 73-AL-18]

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

##### Amendments to Colored Federal Airways, Additional Control Areas, Control Zones, and Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions (FARs) is to redescribe, in part, Red Federal Airway 39, Green Federal Airway 9, Blue Federal Airway 27, Bethel, Alaska, control zone, low altitude reporting points, and additional control area 1483.

This action is based on the need to eliminate the duplication of navaid location names at Bethel, Alaska. The VOR TAC will retain the name "Bethel VOR TAC" with the identification "BET". The Bethel, Alaska, nondirectional radio beacon, formerly "BEA" was converted to an ILS middle marker compass locator, and assigned the identifier "ET". The ILS system was commissioned July 6, 1973. The Bethel, Alaska, nondirectional radio beacon "BET" is being renamed "Oscarville" with a new identifier "OSE" to become effective October 11, 1973.

Since these amendments are minor in nature and do not assign or reassign the use of domestic or off-shore navigable airspace presently coordinated under the Federal Action Act of 1958 and Executive Order 10854, notice and public procedure hereon are unnecessary. However, in order to allow sufficient time to make appropriate editorial changes to aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

1. Section 71.103 (38 FR 305) in G-9 \* \* \* "Bethel, Alaska, RBN (BET)" is deleted and "Oscarville, Alaska, RBN" is substituted therefor.

2. Section 71.107 (38 FR 306) in R-39 \* \* \* "Bethel, Alaska, RBN (BET)" is deleted and "Oscarville, Alaska, RBN" is substituted therefor.

3. Section 71.109 (38 FR 306) in B-27 \* \* \* "Bethel, Alaska, (BET) RBN" is deleted and "Oscarville, Alaska, RBN" is substituted therefor.

4. Section 71.163 (38 FR 344) in Control 1483, "Bethel, Alaska, RBN" and "Bethel RBN" are deleted wherever they appear and "Oscarville, Alaska, RBN" is substituted therefor.

5. Section 71.171 (38 FR 351) in Bethel, Alaska, \* \* \* "Bethel RBN (BEA)" is deleted and \* \* \* "Bethel compass locator (ET)" is substituted therefor, and \* \* \* "northeast of the RBN;" is deleted and \* \* \* "northeast of the compass locator;" is substituted therefor.

6. Section 71.211 (38 FR 618), Alaskan low altitude reporting points, are amended as follows:

a. "Bethel, Alaska, RBN" is deleted and "Oscarville, Alaska, RBN" is substituted therefor.

b. In Fluke INT, "Bethel, Alaska, RBN" is deleted and "Oscarville, Alaska, RBN" is substituted therefor.

7. Section 71.213 (38 FR 620), Alaskan high altitude reporting points. In Fluke INT, "Bethel, Alaska, RBN" is deleted and "Oscarville, Alaska, RBN" is substituted therefor.

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



Transportation Act, 49 U.S.C. 1655(c); E.O. 10854)

Issued in Anchorage, Alaska, on August 17, 1973.

THOMAS J. CRESWELL,  
Director, Alaskan Region.

[FR Doc.73-17936 Filed 8-23-73;8:45 am]

[Airspace Docket No. 73-NW-10]

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

**Alteration of Control Zone and Transition Area**

On July 11, 1973 a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (38 FR 18470) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Burley, Idaho Control Zone and Transition Area.

Interested persons were given thirty days in which to submit written data, views, or arguments. No objections have been received, and the proposed amendments are hereby adopted without change.

**Effective date.**—These amendments shall be effective 0901 G.m.t., November 8, 1973.

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

Issued in Seattle, Washington on August 17, 1973.

C. B. WALK, Jr.,  
Director.

In § 71.171 (38 FR 351) the description of the Burley, Idaho control zone is amended by adding the following: " . . . and within 1.5 miles each side of the 036 degree bearing from the Burley Municipal Airport extending from the 5-mile radius zone to 8 miles northeast of the airport."

In § 71.181 (38 FR 435) the description of the Burley, Idaho transition area is amended to read as follows:

**BURLEY, IDAHO**

That airspace extending upward from 700 feet above the surface within 5.5 miles each side of the Burley VORTAC 121 degree radial, extending from the VORTAC to 27 miles southeast of the VORTAC; within 5.5 miles each side of the Burley VORTAC 292 degree radial extending from the VORTAC to 17 miles west of the VORTAC; within 4.5 miles each side of the Burley VORTAC 344 degree radial extending to the north edge of V-500; and within 2.5 miles southeast and 8 miles northwest of the 036 degree bearing from the Burley Municipal Airport, extending to 9.5 miles north of the Burley Municipal Airport; and that airspace extending upward from 1200 feet above the surface within 8 miles south of the Burley VORTAC 074° radial extending from the VORTAC 19 miles east; within 10 miles southeast of the 223° radial extending from the VORTAC 19 miles southwest; that airspace southeast of Burley bounded on the north by V-4, on the southeast by a 33.5 mile arc centered on the

Burley Airport, on the southwest by north-east edge V-101; that airspace northeast of Burley bounded on the north by V-500, on the east by an arc of a 23 mile radius circle centered on Pocatello, Idaho VORTAC, on the south by V-269 and on the west by V-365; and that airspace north of Burley bounded on the west by a line parallel to and 8 miles northwest of the centerline of V-365 extending from the Burley VORTAC to the south edge of V-500.

[FR Doc.73-17937 Filed 8-23-73;8:45 am]

**CHAPTER II—CIVIL AERONAUTICS BOARD**

**SUBCHAPTER A—ECONOMIC REGULATION**

[Reg. 815; Amdt. 3]

**PART 207—CHARTER TRIPS AND SPECIAL SERVICES**

**Authority of Direct Air Carriers To Charter Aircraft to Foreign Air Freight Forwarders**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

In EDR-245<sup>1</sup> the Board issued a notice of proposed rulemaking to amend Parts 207, 208 and 212 of the Board's Economic Regulations (14 CFR Parts 207, 208 and 212) so as to authorize certificate route air carriers, supplemental air carriers and foreign route air carriers, respectively, to charter aircraft to foreign air freight forwarders. The purpose of the proposed rule is to make the authority of these direct air carriers to charter to such forwarders correlative with the latter's section 402 permit chartering authority.

Pursuant to the notice, comments have been filed by Emery Air Freight, J. D. Kaye International Limited (New Zealand), The Flying Tiger Line Inc., Japan Air Lines, Pan American World Airways, Inc., and Saturn Airways, Inc. Upon consideration, the Board has determined to adopt the proposed rule with a modification. The tentative findings and conclusions set forth in EDR-245 are incorporated and made final, except as modified. Except to the extent indicated herein, all requests contained in the comment are denied.

In its comment Pan American requests the Board to defer action in this rulemaking proceeding until final decision is reached on "essentially the same subject" in the *Air Freight Forwarders' Charter Investigation*, Docket 23287.<sup>2</sup> Flying Tiger takes a similar position. These requests are denied.

<sup>1</sup> April 26, 1973, 38 FR 10816 (Docket 25473).

<sup>2</sup> The investigation referred to was instituted by Order 72-4-116 to determine what the Board's policy should be with respect to the chartering of aircraft by domestic and international air freight forwarders; what amendments, if any, should be made in Part 296 (classification and exemption of indirect air carriers) and Part 297 (classification and exemption of international air freight forwarders) of the Board's Economic Regulations to implement the chosen policy; and whether the Board should continue to permit joint loading on charters on an unrestricted basis by domestic and international air freight forwarders.

The Board's decision in the *Investigation* may have an impact on chartering by foreign air freight forwarders.<sup>3</sup> Nevertheless, the Board's ultimate decision in that case is far from imminent.<sup>4</sup> Furthermore, the rule herein does not expand the authority to charter aircraft, which is contained in the foreign forwarders' permits, but rather, implements that authority by granting correlative authority to direct air carriers. As indicated in EDR-245,<sup>5</sup> the absence of such authority for the direct air carriers appears to have resulted from inadvertence rather than design. Under these circumstances we shall not grant the requests for deferral.

In its comment, Japan Air Lines points out that by IATA Resolution 045a the IATA carriers may not charter to air freight forwarders, and it sets forth certain problems which would arise if cargo charters by freight forwarders were to be permitted the IATA carriers. The carrier further points out that the Japanese Government has long approved IATA Resolution 045a and has also prohibited air freight forwarders from chartering aircraft of non-IATA carriers.

Notwithstanding the impediment of the resolution to forwarder chartering by IATA carriers, we consider it most unlikely that this rule will materially affect the route carriers vis-a-vis the supplementals. While we take note of the effect of Resolution 045a, we shall no longer allow our own rules to impede implementation of the permit authority which we ourselves have granted to foreign air freight forwarders.

Kaye International and Saturn support the proposed rule. Emery does not object to it, but requests a modification. Emery takes note that permits to foreign air freight forwarders are made subject to §§ 297.21,<sup>6</sup> 297.22,<sup>7</sup> and 297.23<sup>8</sup> of Part 297 (Classification and Exemption of In-

<sup>3</sup> The authority of U.S. international forwarders to charter aircraft, including the limitations of § 297.23, *infra*, are at issue in the *Investigation*, and the permits of the foreign air freight forwarders incorporate by reference these restrictions.

<sup>4</sup> The hearing is scheduled to commence on September 11, 1973.

<sup>5</sup> Mimeo, pp. 4-5.

<sup>6</sup> Section 297.21 limits shipments to aircraft operated by direct air carriers which have effective tariffs for the services on file with the Board and prohibits international air freight forwarders from shipping by air except in aircraft operated by a direct air carrier.

<sup>7</sup> Section 297.22 prohibits international air freight forwarders from directly engaging in the operation of aircraft in air transportation.

<sup>8</sup> Section 297.23 prohibits international air freight forwarders from chartering aircraft from a direct air carrier for overseas or foreign air transportation between points for which other direct air carriers are authorized to engage in scheduled air transportation unless the direct air carrier is similarly authorized or either (1) has the consent in writing of the authorized direct air carriers or (2) has specific Board authority granted upon a showing of hardship.



ternational Air Freight Forwarders). However, these provisions apply only to shipments outbound from the United States, since the Board has refrained from exercising jurisdiction over foreign forwarders with respect to inbound shipments.<sup>2</sup> The result is that while the inbound operations of U.S. international air freight forwarders are subject to these provisions, those of foreign forwarders are not. Emery requests that the Board overcome this competitive disadvantage by attaching to the proposed amendment a proviso requiring that on inbound charters, foreign forwarders must comply with § 297.23 and other appropriate limitations.

We shall modify the rule substantially as requested by Emery. As Emery points out, without this limitation inbound foreign forwarders are not subject to the first-refusal and veto rights of on-route scheduled carriers set forth in that section, whereas Emery and other U.S. forwarders are subject to those rights. Hence the inbound foreign forwarders may charter aircraft from U.S. supplemental carriers and other carriers, free of these restrictions, while U.S. international forwarders may not. To eliminate this disadvantage to U.S. forwarders, we are therefore revising the proposed amendment by providing that, with respect to flights to the United States in foreign air transportation, the authority to charter to foreign air freight forwarders is limited to those forwarders who have complied with the provisions of § 297.23.

Accordingly, the Civil Aeronautics Board hereby amends Part 207 of its Economic Regulations (14 CFR Part 207) effective September 24, 1973, as follows:

Amend § 207.11 to read in part as follows:

§ 207.11 Charter flight limitations.

(b) Air transportation performed . . . .  
(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder who has complied with the provisions of § 297.23 of this chapter;

(4) [Reserved].

(Secs. 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, as

<sup>2</sup> See International Airfreight Forwarder Investigation 27 C.A.B., 658, 720-22 (1958).

amended by 76 Stat. 143, 82 Stat. 869; 49 U.S.C. 1324, 1371.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.73-18007 Filed 8-23-73; 8:45 am]

[Reg. ER-816; Amdt. 2]

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

**Authority of Direct Air Carriers To Charter Aircraft to Foreign Air Freight Forwarders**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

In EDR-245<sup>1</sup> the Board issued a Notice of Proposed Rulemaking to amend, *inter alia*, Part 208 of the Board's Economic Regulations (14 CFR Part 208) so as to authorize supplemental air carriers to charter aircraft to foreign air freight forwarders. For the reasons set forth in ER-815, issued simultaneously herewith, the Board has determined to adopt the proposed rule with a modification providing that, with respect to flights to the United States in foreign air transportation, the authority to charter to foreign air freight forwarders is limited to those forwarders who have complied with the provisions of § 297.23.

Accordingly, the Civil Aeronautics Board hereby amends Part 208 of its Economic Regulations (14 CFR Part 208) effective September 24, 1973, as follows:

Amend § 208.6 to read as follows:

§ 208.6 Charter flight limitations.

Charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

(b) . . . .  
(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder who has complied with the provisions of § 297.23 of this chapter;

(Secs. 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, as

<sup>1</sup> April 26, 1973, 38 FR 10816 (Docket 25473).

amended by 76 Stat. 143, 82 Stat. 867; 49 U.S.C. 1324, 1371.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.73-18008 Filed 8-23-73; 8:45 am]

[Reg. R-817; Amdt. 14]

**PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS**

**Authority of Direct Air Carriers to Charter Aircraft to Foreign Air Freight Forwarders**

Adopted by Civil Aeronautics Board at its office in Washington, D.C.

In EDR-245<sup>1</sup> the Board issued a Notice of Proposed Rulemaking to amend, *inter alia*, Part 212 of the Board's Economic Regulations (14 CFR Part 212) so as to authorize foreign route air carriers to charter aircraft to foreign air freight forwarders. For the reasons set forth in ER-815, issued simultaneously herewith, the Board has determined to adopt the proposed rule with a modification providing that, with respect to flights to the United States in foreign air transportation, the authority to charter to foreign air freight forwarders is limited to those forwarders who have complied with the provisions of § 297.23.

Accordingly, the Civil Aeronautics Board hereby amends Part 212 of its Economic Regulations (14 CFR Part 212) effective September 24, 1973, as follows:

Amend § 212.8 to read as follows:

§ 212.8 Charter flight limitations.

(a) . . . .  
(3) By an international air freight forwarder holding a currently effective operating authorization under Part 297 of this subchapter for the carriage of property in foreign air transportation; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder who has complied with the provisions of § 297.23 of this chapter;

(Secs. 204(a) and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.73-18009 Filed 8-23-73; 8:45 am]

<sup>1</sup> April 26, 1973, 38 FR 10816 (Docket 25473).



Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-195]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Connecticut	Hartford	New Britain, City of				Aug. 22, 1973. Emergency.
New York	Rockland	Ramapo, Town of	I 36 087 5077 01 through I 36 087 5077 03	New York State Department of Environmental Conservation, Division of Resource Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Engineering Office, Town of Ramapo, Ramapo Town Hall, Route No. 59, Suffern, N.Y. 10901.	Oct. 29, 1971. Emergency. Aug. 31, 1973. Regular.
Do.	do	Spring Valley, Village of	I 36 087 5080 01	do	Office of the Village Administrator, Village Hall, 95 North Main St., Spring Valley, N.Y. 10977.	Oct. 29, 1973. Emergency. Aug. 31, 1973. Regular.
Pennsylvania	Indiana	Center, Township of				Aug. 22, 1973. Emergency.
Do.	Lancaster	Denver, Borough of				Do.
Do.	Snyder	Shamokin Dam, Borough of				Do.
Wisconsin	Manitowoc	Two Rivers, City of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 15, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.73-17916 Filed 8-23-73;8:45 am]



## RULES AND REGULATIONS

[Docket No. PI-197]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Pinellas	Indian Rocks Beach, City of				July 17, 1970. Emergency. May 7, 1971. Regular. Sept. 15, 1972. Suspension. Aug. 17, 1973. Reinstated. Aug. 24, 1973. Emergency. Do.
Pennsylvania	Clearfield	Clearfield, Borough of				Do.
Do	Luzerne	Conyngham, Borough of				Do.
Do	McKean	Liberty, Township of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 17, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.73-17917 Filed 8-23-73;8:45 am]



[Docket No. FI-198]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Pinellas	Unincorporated areas.				June 19, 1970. Emergency. June 18, 1971. Regular. Apr. 15, 1973. Suspension. Aug. 30, 1973. Reinstated. Aug. 27, 1973. Emergency.
Illinois	Cook	Evergreen Park, Village of.				Do.
Michigan	Muskegon	Montague, City of.				Do.
Pennsylvania	Lebanon	Heidelberg, Township of.				Do.
Do.	do.	Millcreek, Township of.				Do.
Do.	do.	Myerstown, Borough of.				Do.
Do.	do.	Spring Garden, Township of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 17, 1973.

CHARLES W. WIECKING,  
Acting Federal Insurance Administrator.

[FR Doc. 73-17918 Filed 8-23-73; 8:45 am]



[Docket No. FI-196]

## PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

## List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective on August 24, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

## § 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Jersey	Bergen	Northvale, Borough of.	H 34 003 2270 01 through H 34 003 2270 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Borough Clerk, Borough of Northvale, Borough Hall, Northvale, N.J. 07647.	Aug. 31, 1973.
Do.	do	Paramus, Borough of.	H 34 003 2480 01 through H 34 003 2480 04	do	Borough Clerk's Office, Borough of Paramus, Jockish Square, Paramus, N.J. 07652.	Do.
Do.	do	Ridgewood, Village of.	H 34 003 2790 01 through H 34 003 2790 04	do	Office of the Village Manager, Ridgewood Municipality Bldg., 131 North Maple Ave., Ridgewood, N.J. 07451.	Do.
Do.	Gloucester	Clayton, Borough of.	H 34 015 0620 01	do	Municipal Building, Borough Clerk's Office, 125-127 North Dr., Clayton, N.J. 08312.	Do.
Do.	Middlesex	Dunellen, Borough of.	H 34 023 0770 01	do	Borough Clerk's Office, Municipal Bldg., 353 North Ave., Dunellen, N.J. 08812.	Do.
Do.	Monmouth	Brielle, Borough of.	H 34 025 0400 01	do	Borough of Brielle, 601 Union Lane, Brielle, N.J. 08730.	Do.
Do.	do	Little Silver, Borough of.	H 34 025 1740 01 through H 34 025 1740 02	do	Borough of Little Silver, Borough Hall, 480 Prospect Ave., Little Silver, N.J. 07739.	Do.
Do.	Morris	East Hanover, Township of.	H 34 027 1295 01 through H 34 027 1295 03	do	Municipal Clerk's office, Township of East Hanover, 411 Ridgedale Ave., East Hanover, N.J. 07936.	Do.
Do.	Passaic	Passaic, City of.	H 34 031 2500 01 through H 34 031 2500 04	do	Office of the City Manager, 101 Passaic Ave., Passaic, N.J. 07053.	Do.
New York	Chemung	Elmira, City of.	H 36 015 1850 01 through H 36 015 1850 03	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., 324 State St., Albany, N.Y. 12210.	City Manager's Office, City Hall, 319 E. Church St., Elmira, N.Y. 14901.	Do.
Do.	do	Elmira, Town of.	H 36 015 1851 01 through H 36 015 1851 09	do	Office of the Town Clerk, 1212 W. Water St., Elmira, N.Y. 14905.	Do.
Do.	Rockland	Ramapo, Town of.	H 36 067 5077 01 through H 36 067 5077 03	do	Engineering office, Town of Ramapo, Ramapo Town Hall, Route No. 59, Suffern, N.Y. 10901.	Do.
Do.	do	Spring Valley, Village of.	H 36 067 5080 01	do	Office of the Village Administrator, Village Hall, 95 North Main St., Spring Valley, N.Y. 10977.	Do.
Do.	Wayne	Sodus Point, Village of.	H 36 117 5701 01	do	Office of the Village Clerk, Lake Road, Sodus Point, N.Y. 14555.	Do.
Pennsylvania	Allegheny	McKees Rocks, Borough of.	H 42 003 4720 01 through H 42 003 4720 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough of McKees Rocks, Municipal Building, Bell and Linden Ave., McKees Rocks, Pa. 15136.	Do.
Do.	Bucks	Bridgeton, Township of.	H 42 017 0705 01 through H 42 017 0705 02	do	Bridgeton Township Supervisors, Post Office Box 161, Upper Black Eddy, Pa. 18972.	Do.
Do.	Crawford	West Mead, Township of.	H 42 039 5000 01 through H 42 039 5000 03	do	West Mead Township, P.O. Box 491, Meadville, Pa. 17043.	Do.
Do.	Cumberland	Wormleysburg, Borough of.	H 42 041 9480 01	do	The Municipal Bldg., Second and Market St., Wormleysburg, Pa. 17043.	Do.
Do.	Dauphin	Steelton, Borough of.	H 42 043 8110 01 through H 42 043 8110 03	do	Office of the Secretary, Borough of Steelton, Municipal Building, 123 North Front St., Steelton, Pa. 17113.	Do.
Do.	Lackawanna	Moosic, Borough of.	H 42 069 5480 01 through H 42 069 5480 05	do	Moosic Borough, Borough Bldg., 715 Main St., Moosic, Pa. 18507.	Do.
Do.	Lancaster	Ephrata, Borough of.	H 42 071 2630 01 through H 42 071 2630 05	do	Ephrata Borough, 114 East Main St., Ephrata, Pa. 17522.	Do.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.....	Lancaster.....	Lancaster, City of.	H 42 071 4180 01 through H 42 071 4180 04	do.....	Municipal Building, 130 North Duke, Lancaster, Pa. 17604.	Do.....
Do.....	Lebanon.....	East Hanover, Township of.	H 42 075 2232 01 through H 42 075 2232 07	do.....	Lebanon County-City Planning Department, Room 3, Municipal Bldg., East Hanover Township, Lebanon, Pa. 17042.	Do.....
Do.....	Luzerne.....	Nescopeck, Township of.	H 42 079 5730 01 through H 42 079 5730 05	do.....	Nescopeck Township Fire Hall, Nescopeck, Pa. 18635.	Do.....
Do.....	do.....	Pittston, City of.	H 42 079 6610 01	do.....	City Hall, Broad St., Pittston, Pa. 18440.	Do.....
Do.....	Lycoming.....	Old Lycoming, Township of.	H 42 081 938 01 through H 42 081 9380 03	do.....	Municipal Bldg., Township of Lycoming, 1951 Green Ave., Williamsport, Pa. 17701.	Do.....
Do.....	Burnham.....	Burnham, Borough of.	H 42 087 1010 01	do.....	Borough of Burnham, 200 First Ave., Burnham, Pa. 17009.	Do.....

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 15, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.73-17919 Filed 8-23-73; 8:45 am]

# Title 28—Judicial Administration CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 534-73]

## PART 17—REGULATIONS RELATING TO THE CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL PURSUANT TO EXECUTIVE ORDER NO. 11652

### Procedures for Review of Requests for Declassification of Documents

The following amendments to the regulations governing the classification and declassification of national security information and material originating in or coming under the jurisdiction or control of the Department of Justice (the "Department") prescribe, *inter alia*, procedures for the review of requests for the declassification of Department documents.

By virtue of the authority vested in me by Executive Order No. 11652 of March 8, 1972 (the "Order"), sections 509 and 510 of title 28, United States Code, Chapter I of title 28 of the Code of Federal Regulations is amended as follows:

#### § 17.1 [Amended]

(1) In § 17.1(a) the word "require" is substituted for the word "requires" in line 5, the word "are" is substituted for the word "is" in line 6 and the word "are" is substituted for the word "is" in line 8.

#### § 17.50 [Amended]

(2) § 17.50, the article "a" is substituted for the article "the" appearing before the title "Division Security Officer".

#### § 17.56 [Amended]

(3) In § 17.56, the phrase "or of such of his subordinates as he may designate in writing", is inserted at the end of the first sentence.

#### § 17.67 [Amended]

(4) In § 17.67, the word "category" is substituted for the word "categories" appearing in line 5 of the first sentence and the words "and Confidential" are deleted from lines 6, 9-10, and 15.

#### § 17.75 [Amended]

(5) In § 17.75, the reference "§ 17.76" is substituted for the reference "section 1303".

(6) Paragraph (c) of § 17.36 is amended to read as follows:

#### § 17.36 Mandatory review of material over 30 years old.

(c) Procedure: (1) Requests for classification review under this section for documents originating within the Department of Justice should be directed to the Office of the Deputy Attorney General, Washington, D.C. 20530. The Office of the Deputy Attorney General shall assign the request to the appropriate division within the Department for action, and the latter shall immediately acknowledge receipt of the request to the requester in writing. If the requester is a member of the public and the request calls for the rendering of services requiring the charging of fees pursuant to 31 U.S.C. § 483a (1970), the requester shall be so notified, and fees shall be charged in accordance with the schedule set forth in § 16.9 of this Chapter. The division shall thereafter make a determination within 30 days of receipt of the request by the Office of the Deputy Attorney General or shall give an explanation to the requester as to why further time is necessary, and provide a copy of the explanation to the Office of the Deputy Attorney General. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may treat his request as

having been denied as of that date and may appeal to the Department Review Committee for a determination in accordance with the procedures established by § 17.38.

(2) If the division determines that continued classification is required, the requester shall promptly be notified, and to the extent consistent with national security, provided with a brief statement as to why the requested information or material cannot be declassified. The notification shall also advise the requester that he has the right to appeal the determination and that if he wishes to exercise that right, he must submit his appeal to the Chairman, Department Review Committee, Department of Justice, Washington, D.C. 20530 within 30 days of the receipt by the requester of the determination. The procedures under which an appeal may be submitted are set forth in § 17.38(b).

(3) If the division determines that continued classification is not required, the information or material shall be declassified. If the requester is a member of the public, the division shall then determine whether the information or material is otherwise available for public release under the Freedom of Information Act (5 U.S.C. 552) and Subpart A of Part 16 of this Chapter ("Production or Disclosure Under 5 U.S.C. 552(a)").

(4) If the division determines that the information or material is not exempt from disclosure under the Freedom of Information Act or that, even though exempt, it should be made available as a matter of discretion, the requester shall be advised that it has been declassified and is available. If the request involves the furnishing of copies and a fee is to be assessed the requester shall be so advised pursuant to § 16.9(c) of Part 16 of this Chapter and the schedule of fees in § 16.9(b) shall be controlling.



(ii) If the division determines that the information or material is exempt under the Freedom of Information Act and should not be disclosed, the requester shall be advised that it has been declassified but that it will not be disclosed. The requester shall also be advised that he may appeal to the Attorney General the denial of his request pursuant to § 16.7 of the Freedom of Information Act procedure, Part 16 of this Chapter.

(7) Section 17.38 is amended to read as follows:

**§ 17.38 Department review committee.**

(a) *Purpose.*—A Department Review Committee is hereby established. The Committee is responsible for the continuing review of the administration of these regulations with respect to classification and declassification of information or material originated within the Department. It shall have the authority and responsibility to—

(1) Review and act upon all appeals from denials of requests for declassification;

(2) Review all appeals of requests for information or material under the Freedom of Information Act, 5 U.S.C. 552, when the proposed denial is based on continued classification under the order;

(3) Overrule on behalf of the Attorney General classification determinations in whole or in part, when in its judgment, continued protection is not required;

(4) Recommend to the Attorney General appropriate administrative action to correct abuse or violation of any provision of the order, the directives or these regulations, including but not limited to notifications by warning letter, formal reprimand, and to the extent permitted by law, suspension without pay or removal.

(b) *Procedure for appeal.*—(1) When a division has determined that continued classification of information or material is necessary, the requester may, within 30 days of its receipt, appeal the determination to the Chairman, Department Review Committee, Department of Justice, Washington, D.C. 20530. The appeal shall be in writing, shall identify or describe the information or material for which declassification was requested, and, whenever possible, should state the reasons why the requester believes that it should be declassified.

(2) Upon receipt of an appeal, the Department Review Committee shall immediately acknowledge receipt and act on the matter within 30 days.

(3) If the Committee determines that continued classification is required it shall promptly so notify the requester and to the extent consistent with national security provide him with a brief statement as to why the requested information or material cannot be declassified. It shall also advise him that he may appeal the denial to the Interagency Classification Review Committee, Executive Office Building, Washington, D.C. 20506.

(4) If the Committee determines that continued classification is not required, it shall declassify the information or material and the requester shall be so notified. The Committee shall thereupon refer the request to the appropriate division within the Department to determine if the material is otherwise available for public release under the Freedom of Information Act (5 U.S.C. 552) and Part 16 of this Chapter ("Production or Disclosure of Material or Information") and the procedures set forth in § 17.38(c) (3) shall apply.

Dated: August 15, 1973.

ELLIOT RICHARDSON,  
Attorney General.

[FR Doc.73-17963 Filed 8-23-73;8:45 am]

**Title 29—Labor**

**SUBTITLE A—OFFICE OF THE  
SECRETARY OF LABOR**

**PART 40—FARM LABOR CONTRACTOR  
REGISTRATION**

**Change of Officer to Represent  
Administrator at Hearings**

The Farm Labor Contractor Registration Act of 1963 (78 Stat. 920) and regulations issued thereunder (29 CFR Part 40) provide that a farm labor contractor shall have an opportunity for a hearing before an administrative law judge in cases where it is proposed to refuse to issue or renew, or to suspend or revoke, a certificate of registration. The regulations provide that the Secretary of Labor will rule on exceptions to a decision of the administrative law judge.

It is deemed necessary to amend the rules governing these proceedings to change a present provision under which the Solicitor or his designee is specified as the officer to represent the Administrator in proceedings before the administrative law judge pursuant to 29 CFR 40.21. In the event exceptions are taken by either party to a decision of the administrative law judge in accordance with 29 CFR 40.25, it is desirable that the entire record, including such exceptions, be reviewed impartially by the Solicitor in his capacity as legal advisor to the Secretary, in preparation for the issuance of an order by the Secretary in the matter pending. To avoid a dual role of the Solicitor as advocate of the Administrator's position before the administrative law judge and as advisor to the Secretary in the same proceeding, it is deemed necessary to assign the legal representation of the Administrator to the Associate Solicitor, Division of General Legal Services, of the United States Department of Labor, or his designee.

Notice of proposed rulemaking is unnecessary in this instance since the revision merely involves a change in the rules of department organization and procedures. A delay in the effective date is not necessary because public business will be expedited by making it effective immediately and those persons who followed the former procedures will not be adversely affected thereby. The amend-

ment made hereby shall accordingly be effective August 24, 1973.

Part 40 of Title 29 is amended by revising paragraph (a) of § 40.21 to read as follows:

**§ 40.21 The hearing—appearances.**

(a) Each party shall have the right to appear in person, through an authorized agent, or by or with counsel. The Associate Solicitor, Division of General Legal Services, of the United States Department of Labor or his designee shall represent the Administrator in each proceeding before the Administrative Law Judge.

(5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 5 U.S.C. Appendix; sec. 14, 78 Stat. 924; 7 U.S.C. 2053.)

Signed at Washington, D.C., this 16th day of August 1973.

BERNARD E. DELURY,  
Assistant Secretary  
for Employment Standards.

[FR Doc.73-17992 Filed 8-23-73;8:45 am]

**Title 33—Navigation and Navigable  
Waters**

**CHAPTER 1—COAST GUARD,  
DEPARTMENT OF TRANSPORTATION**

[CGD 3-73-8R]

**PART 127—SECURITY ZONES**

**Establishment of Security Zone at  
Christina River, Wilmington, Delaware**

This amendment to the Coast Guard's Security Zone Regulations establishes the Christina River, Wilmington, Delaware, as a security zone. This security zone is established due to construction work on the highway bridge carrying Interstate Highway 495 across the Christina River.

This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from the date of publication because good cause exists and public procedures on this amendment are impracticable due to lack of advance notice of construction activity.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.309 to read as follows:

**§ 127.309 Christina River, Wilmington,  
Delaware.**

The waters within an area extending 100 yards either side of the highway bridge carrying Interstate Highway 495 across the Christina River, which bridge is located at 39°43'30" North, 75°32'0" West.

(46 Stat. 220, as amended, § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 146(b).)

*Effective date.*—This amendment is effective at the following times and dates: From 8:00 a.m., e.d.t., until 5:30 p.m.,



e.d.t., Monday, 27 August 1973, through Friday, 31 August 1973, and Tuesday, 4 September 1973, through Friday, 7 September 1973.

Dated August 21, 1973.

B. F. ENGEL,  
Vice-Admiral, United States  
Coast Guard, Commander,  
Third Coast Guard District,  
Governors Island, New York.

[FR Doc.73-17971 Filed 8-23-73;8:45 am]

**Title 31—Money and Finance: Treasury**

**CHAPTER II—FISCAL SERVICE,  
DEPARTMENT OF THE TREASURY**

**SUBCHAPTER A—BUREAU OF ACCOUNTS**

**PART 223—SURETY COMPANIES DOING  
BUSINESS WITH THE UNITED STATES**

**Adoption of Hearing Procedures**

In the FEDERAL REGISTER of July 16, 1973, there was published at page 18897 a notice of proposed rulemaking to amend the regulations at 31 CFR Part 223 (Treasury Department Circular No. 297, Revised) governing surety companies doing business with the United States. The amendments were proposed to provide a surety company with an opportunity for a hearing to explain and justify its reasons for not settling claims made against it by Federal agencies prior to a determination by the Secretary of the Treasury to revoke its certificate of authority to do business with the United States for failure to perform its obligations to such agencies. Interested persons were given until August 15, 1973, to submit written comments on the proposed amendments and no such comments have been received.

Because the amendments to 31 CFR Part 223 establish a procedure for allowing surety companies to make their views known in disputed cases, the Department finds in accord with 5 U.S.C. 553 (d) (3), that there is good cause not to postpone the effective date of the amendments. Accordingly, the proposed amendments are hereby adopted, effective August 24, 1973.

Dated August 20, 1973.

[SEAL] DAVID MOSSO,  
Deputy Fiscal Assistant Secretary.

(1) As amended, the table of contents for §§ 223.17 through 223.22, reads:

Sec.	
223.17	Revocation.
223.18	Performance of agency obligations.
223.19	Informal hearing on agency complaints.
223.20	Final decisions.
223.21	Reinstatement.
223.22	Schedule of fees.

(2) As amended, § 223.6 reads:

§ 223.6 Requirements applicable to surety companies.

Every company now or hereafter authorized to do business under the act of Congress referred to in § 223.1 shall be subject to the regulations contained in this part.

**§§ 223.17, 223.18 [Redesignated]**

(3) Section 223.18 would be redesignated as § 223.17; § 223.17 would be redesignated as § 223.18 and the heading changed to read as follows: § 223.18 Performance of agency obligations.

(4) As newly added, §§ 223.19 through 223.21 reads:

**§ 223.19 Informal hearing on agency complaints.**

(a) Request for informal hearing. If a company determines that the opportunity to make known its views, as provided for under § 223.18(b), is inadequate, it may, within 20 business days of the date of the notice required by § 223.18(b), request, in writing, that the Secretary of the Treasury convene an informal hearing.

(b) Purpose. As soon as possible after a written request for an informal hearing is received, the Secretary of the Treasury shall convene an informal hearing, at such time and place as he deems appropriate, for the purpose of determining whether revocation of the company's certificate of authority is justified.

(c) Notice. The Company shall be advised, in writing, of the time and place of the informal hearing and shall be directed to bring all documents, records and other information as it may find necessary and relevant to substantiate its refusal to settle the claims made against it by the Federal agency making the report under § 223.18(a).

(d) Conduct of hearings. The hearing shall be conducted by a hearing officer appointed by the Secretary. The company may be represented by counsel and shall have a fair opportunity to present any relevant material and to examine the agency's evidence. Formal rules of evidence will not apply at the informal hearing.

(e) Report. Within 30 days after the informal hearing, the hearing officer shall make a written report to the Secretary setting forth his findings, the basis for his findings, and his recommendations. A copy of the report shall be sent to the company.

**§ 223.20 Final decisions.**

If, after review of the case file, it is the judgment of the Secretary that the complaint was unfounded, the Secretary shall dismiss the complaint by the Federal agency concerned and shall so notify the company. If, however, it is the judgment of the Secretary that the company has not fulfilled its obligations to the complainant agency, he shall notify the company of the facts or conduct which indicate such failure and allow the company 20 business days from the date of such notification to demonstrate or achieve compliance. If no showing of compliance is made within the period allowed, the Secretary shall either preclude renewal of a company's certificate of authority or revoke it.

**§ 223.21 Reinstatement.**

If, after one year from the date of the expiration or the revocation of the

certificate of authority, as the case may be, a company can show that the basis for the non-renewal or revocation has been eliminated and that it can comply with the requirements of 6 U.S.C. 6-13 and the regulations in this part, a new certificate of authority shall be issued without prejudice.

(5 U.S.C. 301; 6 U.S.C. 8.)

[FR Doc.73-17969 Filed 8-23-73;8:45 am]

**Title 38—Pensions, Bonuses, and Veterans' Relief**

**CHAPTER I—VETERANS  
ADMINISTRATION**

**PART 25—RELOCATION ASSISTANCE AND  
LAND ACQUISITION UNDER FEDERAL  
AND FEDERALLY ASSISTED PROGRAMS**

**Implementation of the Uniform Relocation  
Assistance and Real Property Acquisition  
Policies Act of 1970**

The Veterans Administration is adding a new Part 25 to implement the provisions of Public Law 91-646 (84 Stat. 1894), the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The purpose of the act is to provide uniform and equitable land acquisition policies and relocation assistance for displaced persons in connection with Federal or federally assisted programs. Section 213 of the act authorizes the heads of Federal agencies to establish regulations that are necessary to carry out the purpose of the act and directs them to consult together to insure uniform implementation and administration of the act.

Pursuant to sec. 213 of the act and a memorandum from the President to all agency heads, dated January 4, 1971, guidelines for the issuance of regulations were developed by interagency task force in conjunction with the Office of Management and Budget.

In consideration of the foregoing, Chapter I of Title 38, Code of Federal Regulations, is amended by adding a new Part 25, Relocation Assistance and Land Acquisition Under Federal and Federally Assisted Programs.

**Effective date.**—Since these regulations are in accord with those promulgated by other Federal agencies and consist of interpretative rules and statements of policy under Public Law 91-646, it has been determined that notice and public procedure thereon are impracticable, unnecessary and contrary to the public interest, therefore, the regulations of this part shall become effective August 24, 1973.

**Subpart A—General**

Sec.	
25.1	Purpose and coverage.
25.2	General considerations.
25.3	Review of activities for compliance Titles II and III.
25.4	Public information.

**Subpart B—Assurance of Adequate Replacement  
Housing Prior to Displacement**

25.21	Assurance of availability.
25.22	Housing provided as a last resort.
25.23	Loans for planning and preliminary expenses.



**Subpart C—Moving and Related Expenses**

- 25.31 Eligibility.
- 25.32 Actual reasonable expenses in moving.
- 25.33 Exclusions.
- 25.34 Expenses in searching for replacement business or farm.
- 25.35 Actual direct losses by business or farm operation.

**Subpart D—Payments in Lieu of Moving and Related Expenses**

- 25.41 Dwellings; schedules.
- 25.42 Businesses; eligibility.
- 25.43 Farms; partial taking.
- 25.44 Nonprofit organizations.
- 25.45 Net earnings.
- 25.46 Amount of business fixed payment.

**Subpart E—Replacement Housing Payment for Homeowners**

- 25.51 Eligibility.
- 25.52 Comparable replacement dwelling.
- 25.53 Computation of replacement housing payment.

**Subpart F—Replacement Housing Payments for Tenants and Certain Others**

- 25.61 Eligibility.
- 25.62 Computation of replacement housing payments for displaced tenants.
- 25.63 Computation of replacement housing payments for certain others.

**Subpart G—Relocation Assistance Advisory Services**

- 25.71 Relocation assistance advisory program.
- 25.72 Coordination of planned relocation activities.
- 25.73 Contracting for relocation services.

**Subpart H—Federally Assisted Programs**

- 25.81 Assurances.
- 25.82 Administration; relocation assistance programs.

**Subpart I—Uniform Real Property Acquisition Policy**

- 25.101 Applicability.
- 25.102 Acquisition procedures.
- 25.103 Condemnation.
- 25.104 Improvements owned by tenants.
- 25.105 Expenses incidental to transfer of title to the United States.
- 25.106 Lease to former owner or occupant.
- 25.107 Litigation expenses.

**Subpart J—Definitions**

- 25.121 Applicability.
- 25.122 General.
- 25.123 Definitions.
- 25.124 Financial means.

**Subpart K—Administrative Review**

- 25.131 Administrative review.

**AUTHORITY:** Sec. 213, PL 91-646, 84 Stat. 1900; 38 U.S.C. 210.

**Subpart A—General****§ 25.1 Purpose and coverage.**

(a) Part 25 prescribes the policies and procedures governing the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, 84 Stat. 1894, approved January 2, 1971) hereinafter referred to as the Act, to assure the fair, equitable, and uniform treatment of persons displaced by Federal and federally assisted programs. All references in this part to sections or subsections are references to sections or subsections of the Act. In the event of any conflict between this part and the provisions of the Act, or any other applicable

law, the statutory provision shall prevail.

(b) Provisions of this part are applicable to projects which are part of a Federal or federally assisted program administered by the Veterans Administration and which after January 1, 1971, cause the displacement of persons or the acquisition of real property, including acquisition by a State agency without Federal financial assistance.

**§ 25.2 General considerations.**

(a) Consideration has been given to the following in the development of this part.

(1) House Report 91-1656 of December 2, 1970, A Report to Accompany S. 1, Committee on Public Works, House of Representatives, 91st Congress, 2nd Session, and

(2) Provisions of other applicable law, including Title VI of the Civil Rights Act of 1964 (Public Law 88-352), Title VIII of the Civil Rights Act of 1968 (Public Law 90-284), OMB Circular A-103, and good faith and reasonableness.

(b) The Act shall be applied and administered to promote its underlying purposes and policies.

(c) Veterans Administration officials responsible for programs under this Act will assure that:

(1) A written notice of displacement be given to each individual, family, business, or farm operation to be displaced. Such notice shall be served personally or by certified (or registered) first-class mail.

(2) In order to qualify for benefits under Title II of the Act as a displaced person, either of two conditions be fulfilled:

(i) The person must have moved (or moved his personal property) as a result of the receipt of a written notice to vacate which notice may have been given before or after initiation of negotiations for acquisition of the property as prescribed by this part. When negotiations are initiated prior to issuance of a written notice, all persons contacted by the negotiating agency should be advised that the benefits of the Act are available only when the person moves subsequent to receipt of a written notice; or

(ii) The subject real property must in fact have been acquired, and the person must have moved as a result of its acquisition (except in those instances covered by secs. 217 and 219).

(3) In addition, certain of the benefits provided by Title II of the Act are available as follows:

(i) Whenever the acquisition of, or notice to move from, real property used for a business or farm operation causes any person to move from other real property used for his dwelling, or to move the personal property from such other real property, such person may receive the benefits provided by secs. 202 (a) and (b) and 205.

(ii) If the Administrator determines that any person, occupying property immediately adjacent to the real property acquired, is caused substantial economic injury because of the acquisition, he may

offer such person relocation advisory services under sec. 205(c).

(4) For real property acquisitions under Federal law, contracts or options to purchase real property shall not incorporate provisions for making payments for relocation costs and related items in Title II of the Act. Appraisers shall not give consideration to or include in their real property appraisals any allowances for the benefits provided by Title II. In the event of condemnation with a declaration of taking, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under Title II of the Act.

(5) Applications for benefits under the Act are to be made within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired; or the date on which the displacing agency makes final payment of all costs of that real property, whichever is the later date. The Administrator may extend this period upon a proper showing of good cause.

(6) The provisions of the Act apply to the acquisition of all real property for, and the relocation of all persons displaced by, Federal programs and projects and programs and projects undertaken by State agencies which receive Federal financial assistance for all or part of the cost. It is immaterial whether the real property is acquired by a Federal or State agency or whether Federal funds contribute to the cost of the real property.

**§ 25.3 Review of activities for compliance with Titles II and III.**

The Administrator shall provide for periodic review of all Federal and federally assisted programs to insure compliance with the provisions of Titles II and III of the Act.

**§ 25.4 Public information.**

The Administrator will make available to the public full information concerning the agency's relocation programs and he shall insure that persons to be displaced are fully informed, at the earliest possible time, of such matters as available relocation payments and assistance; the specific plans and procedures for assuring that suitable replacement housing will be available for homeowners and tenants, in advance of displacement; the eligibility requirements and procedures for obtaining such payments and assistance; and the right of administrative review by the head of the agency concerned as provided in § 25.131.

**Subpart B—Assurance of Adequate Replacement Housing Prior to Displacement****§ 25.21 Assurance of availability.**

(a) **Availability.**—The Veterans Administration may not proceed with any phase of a project or authorize a State agency to proceed with any phase of a project which will cause the displace-



ment of any person until the Administrator has determined, or received satisfactory assurances from the displacing State agency, that within a reasonable period of time prior to displacement, there will be available on a basis consistent with the requirements of Title VIII of the Civil Rights Act of 1968 (Public Law 90-284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as described in paragraph (d) of this section, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(b) *Support.*—The determination or assurances shall be based on a current survey and analysis of available replacement housing by the Veterans Administration or the displacing State agency. Such survey and analysis must take into account the competing demands on available housing.

(c) *Waiver.*—Pursuant to sec. 205(c)(3), the Administrator may waive the assurances prescribed by this section whenever, in his judgment, the immediate possession of real property is of overriding importance. Each waiver of assurance of replacement housing shall be supported by appropriate findings and a determination of the necessity for the waiver. Determinations so made shall be included in the annual report required by sec. 214.

(d) *Decent, safe, and sanitary housing.*—A decent, safe, and sanitary dwelling is one which is found to be in sound, clean, and weathertight condition, and which meets local housing codes. The Administrator shall consider the following criteria in determining if a dwelling unit is decent, safe, and sanitary. Adjustments may only be made in the cases of unusual circumstances or in unique geographical areas.

(1) *Housekeeping unit.*—A housekeeping unit must include a kitchen with fully usable sink; a cooking stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bathroom and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(2) *Nonhousekeeping units.*—A non-housekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. If local codes do not include requirements relating to space and sanitary facilities, standards will be subject to the approval of the Administrator.

(3) *Occupancy standards.*—Occupancy standards for replacement housing shall comply with agency approved occupancy requirements or comply with local codes.

(4) *Absence or inadequacy of local standards.*—In those instances where there is no local housing code or a local housing code does not contain certain

minimum standards or the standards are inadequate, the Administrator may establish the standards.

(5) *Facilities.*—A dwelling unit meeting the physical and occupancy standards stated in this section shall only be considered as suitable replacement housing when it is reasonably convenient to such community facilities as schools, stores, and public transportation.

#### § 25.22 Housing provided as a last resort.

When it is determined under § 25.21 that adequate replacement housing is not available, and cannot otherwise be made available, the Administrator will take action or approve action by a State agency to develop replacement housing as authorized by sec. 206(a). The Administrator in taking or approving such action for replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development. A State agency taking such action will comply with the requirements and procedures of the Veterans Administration.

#### § 25.23 Loans for planning and preliminary expenses.

The Administrator will be guided by the criteria and procedures developed by the Secretary of Housing and Urban Development when providing loans to eligible borrowers for planning and other preliminary expenses authorized under sec. 215. A State agency providing such loans will comply with the requirements and procedures of the Federal agency providing the Federal financial assistance.

#### Subpart C—Moving and Related Expenses

##### § 25.31 Eligibility.

(a) Any displaced person (including one who conducts a business or farm operation) is eligible to receive a payment for moving expenses. A person who lives on his business or farm property may be eligible for both moving and related expenses as a dwelling occupant in addition to being eligible for payments with respect to displacement from a business or farm operation.

(b) Any person who moves from real property or moves his personal property from real property, as a result of the acquisition of such real property in whole or part, or as a result of a written notice of the Veterans Administration to vacate real property, or solely for the purposes of secs. 202 (a) and (b) as a result of the acquisition of, or a written notice of the Veterans Administration to vacate, other real property on which such person conducts a farm or business, is eligible to receive a payment for moving expenses.

##### § 25.32 Actual reasonable expenses in moving.

(a) *Allowable moving expenses.*—(1) Transportation of individuals, families and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the

Administrator determines that relocation beyond the 50-mile area is justified.

(2) Packing and unpacking, crating and uncrating of personal property.

(3) Advertising for packing, crating, and transportation when the Administrator determines that it is necessary.

(4) Storage of personal property for a period generally not to exceed 12 months when the Administrator determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, reestablishment, including such modifications as deemed necessary by the Veterans Administration, of and reconnection of utilities for, machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personal and that the displacing agency is released from any payment for the property.

(7) Property lost, stolen or damaged (without the fault or negligence of the displaced person, his agent or employees) in the process of moving where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses determined to be allowable by the Administrator.

(b) *Limitations.*—(1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the Administrator determines a greater amount is justified.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost minus the proceeds received from the sale, or the estimated cost of moving, whichever is less.

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the Administrator, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stock-piled sand, gravel, minerals, metals, and similar type items of personal property.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such display or displays as a part



of the real property, unless such acquisition is prohibited by State law.

#### § 25.33 Exclusions.

A displaced person is not entitled to be paid for

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures or other improvements in which the displaced person reserved ownership except as otherwise provided by law.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of good will.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Payment for search cost in connection with locating a replacement dwelling.

(k) Such other items as the Administrator determines should be excluded.

#### § 25.34 Expenses in searching for replacement business or farm.

(a) Allowable.—(1) Actual travel costs.

(2) Extra costs for meals and lodging.

(3) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed \$10 per hour.

(4) In the discretion of the Administrator, necessary broker, real estate, or other professional fees to locate a replacement business or farm operation.

(b) Limitation.—The total amount a displaced person may be paid for searching expenses may not exceed \$500, unless the Administrator determines that a greater amount is justified based on the circumstances involved. The justification for such an exception will be documented.

#### § 25.35 Actual direct losses by business or farm operation.

When the displaced person does not move personal property, he should be required to make a bona fide effort to sell it, and should be reimbursed for the reasonable costs incurred.

(a) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, or the estimated costs of moving 50 miles, whichever is less.

(b) When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement or the estimated cost of moving 50 miles whichever is less.

(c) The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

#### Subpart D—Payments in Lieu of Moving and Related Expenses

##### § 25.41 Dwellings; schedules.

(a) Any displaced person eligible for payments under sec. 202(b), who is dis-

placed from a dwelling and who so elects, may receive a moving expense allowance determined according to the moving expense allowance schedules set forth in Appendix B, Part 25, Title 49, Code of Federal Regulations, not to exceed \$300, and a dislocation allowance of \$200.

(b) When said schedules are not applicable, the heads of Federal agencies undertaking or providing Federal financial assistance to a project causing displacement in such areas shall cooperate in the development of a single moving expense schedule for the use of all these displacing agencies.

(c) A displaced person, who elects to receive a payment based on a schedule, shall be paid under the schedule used in the jurisdiction in which the displacement occurs regardless of where he relocates.

##### § 25.42 Businesses; eligibility.

(a) A person displaced from his business, as defined in sec. 101(7) (A), (B), and (C) is eligible under sec. 202(c) to receive a fixed payment in lieu of moving and related expenses. Care must be exercised, in each instance, however, to assure that such payments are made only in connection with a bona fide business. The Administrator will make a determination with respect to whether a given activity constitutes such a business.

(b) Those businesses described in sec. 101(7) (D) are not eligible under sec. 202(c) for a fixed payment in lieu of moving and related expenses.

(c) Where a displaced person is displaced from his place of business, no payment shall be made under sec. 202(c) until after the Administrator determines that the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and that the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the Administrator only after consideration of all pertinent circumstances, including but not limited to the following factors:

(1) The type of business conducted by the displaced concern.

(2) The nature of the clientele of the displaced concern.

(3) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

##### § 25.43 Farms; partial taking.

Where a displaced person is displaced from only a part of his farm operation, the fixed payment provided by sec. 202(c) shall be made only if the displacing agency determines that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

##### § 25.44 Nonprofit organizations.

Where a nonprofit organization is displaced, no payment shall be made under

sec. 202(c) until after the Administrator determines:

(a) That the nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with a nonprofit organization includes the persons, community or clientele served or affected by the activities of the nonprofit organization.

(b) That the nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

##### § 25.45 Net earnings.

The term "average annual net earnings" as used in sec. 202(c) means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the Administrator determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such period. If a business or farm operation has no net earnings, or has suffered losses during the period used to compute "average annual net earnings" it may nevertheless receive the \$2,500 minimum payment authorized by such sec. 202(c).

##### § 25.46 Amount of business fixed payment.

The fixed payment to a person displaced from a farm operation, or from his place of business, including nonprofit organizations, shall be in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than \$2,500 nor more than \$10,000.

#### Subpart E—Replacement Housing Payment for Homeowners

##### § 25.51 Eligibility.

(a) A displaced owner-occupant is eligible for a replacement housing payment authorized by sec. 203(a), not to exceed \$15,000, if he meets both of the following requirements:

(1) Actually owned and occupied the acquired dwelling from which displaced for not less than 180 days prior to the initiation of negotiations for the property, or owned or occupied the property covered or qualified under sec. 217 for not less than 180 days prior to displacement. The term "initiation of negotiations" means the day on which the acquiring agency makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property.

(2) Purchases and occupies a replacement dwelling, which is decent, safe and sanitary, not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency the final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.



(b) A displaced owner-occupant of a dwelling who is determined to be ineligible under this section may be eligible for a replacement housing payment under § 25.61.

**§ 25.52 Comparable replacement dwelling.**

(a) For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is:

- (1) Decent, safe, and sanitary.
- (2) Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.
- (3) Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.
- (4) Open to all persons, regardless of race, color, religion, or national origin, consistent with the requirements of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968.
- (5) Located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to:

- (i) Neighborhood conditions, including but not limited to municipal services and other environmental factors,
- (ii) Public utilities, and
- (iii) Public and commercial facilities.
- (6) Reasonably accessible to the displaced person's place of employment or potential place of employment.
- (7) Within the financial means of the displaced family or individual.
- (8) Available on the market to the displaced person.

(b) If housing meeting the requirements of this section is not available on the market, the Administrator shall, upon a proper finding of the necessity therefor, consider available housing exceeding these basic criteria.

**§ 25.53 Computation of replacement housing payment.**

The replacement housing payment of not more than \$15,000 comprises the following:

(a) *Differential payment for replacement housing.*—The Administrator shall determine the amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, is necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.*—The Veterans Administration shall establish a schedule of reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market. The schedule shall be based on a current market analysis sufficient to support de-

terminations of the amount for each type of dwelling to be acquired. When more than one Federal agency is causing displacement in a community or an area, the heads of the agencies concerned shall coordinate the establishment of a schedule for replacement housing payments.

(2) *Comparative method.*—The Veterans Administration shall determine the price of a comparable replacement dwelling by selecting a dwelling or dwellings most representative of the dwelling unit acquired, available to the displaced person, and which meets the definition of comparable replacement dwelling. A single dwelling shall be used only when additional comparable dwellings are not available.

(3) *Alternate method.*—The Administrator may develop criteria for computing replacement housing payments when neither the schedule method nor the comparative method is feasible. An alternate method proposed by a State agency shall be subject to prior concurrence of the Veterans Administration.

(4) *Limitations.*—The amount established as the differential payment for the replacement housing sets the upper limit of this payment.

(i) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the upper limit set, the comparable replacement housing payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(ii) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

(b) *Interest payment.*—The Administrator shall determine the amount, if any, necessary to compensate a displaced person for any increased interest costs, including points paid by the purchaser. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage. The following shall be considered:

(1) The payment shall be equal to the excess of the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value.

(2) The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(3) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations.

(4) The interest payment shall be based on the present value of the reasonable cost of the interest differential, including points paid by the purchaser, on the amount financed not to exceed the amount of the unpaid debt on the acquired dwelling for its remaining term.

(c) *Incidental expenses.*—(1) The Administrator shall determine the amount, if any, necessary to reimburse a displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling (but not including prepaid expenses such as:

- (i) Legal, closing and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.
- (ii) Lenders', FHA, or VA appraisal fees.
- (iii) FHA application fee.
- (iv) Certification of structural soundness when required by lender, FHA, or VA.
- (v) Credit report.
- (vi) Title policies or abstracts of title.
- (vii) Escrow agent's fee.
- (viii) State revenue stamps or sale or transfer taxes.

(2) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title I, Public Law 90-321 (82 Stat. 146), and Regulation Z (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

**Subpart F—Replacement Housing Payments for Tenants and Certain Others**

**§ 25.61 Eligibility.**

(a) A displaced tenant or owner-occupant of a dwelling for less than 180 days is eligible for a replacement housing payment not to exceed \$4,000, as authorized by sec. 204, if he meets both of the following requirements:

(1) Actually occupied the dwelling for not less than 90 days prior to the initiation of negotiations for acquisition of the property or actually occupied the property covered or qualified under sec. 217 for not less than 90 days prior to displacement. The term "initiation of negotiations" means the date the acquiring agency makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property. The Administrator shall advise tenants and other persons occupying the property to be acquired when negotiations for the property are initiated with the owner thereof.

(2) Is not eligible to receive a payment under sec. 203.

(b) An owner-occupant of a dwelling for not less than 180 days prior to the initiation of negotiations is eligible for a replacement housing payment as a tenant, as authorized by sec. 204, when he rents a decent, safe and sanitary replacement dwelling instead of purchasing and occupying a replacement dwelling, which is decent, safe and sanitary



not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment for all costs for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

**§ 25.62 Computation of replacement housing payments for displaced tenants.**

A displaced tenant is eligible for a rental replacement housing payment; or, if he purchases replacement housing within 1 year from displacement, he is eligible for a downpayment including expenses incidental to closing not to exceed \$4,000.

(a) *Rental replacement housing payment.*—The Administrator shall determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.*—The Administrator may establish a rental schedule for renting comparable replacement dwellings as described in § 25.52 and which are available in the private market for the various types of dwellings to be acquired. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (the average monthly cost from the schedule) and subtracting from such amount forty-eight times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiation if such rent was reasonable, and, if not reasonable, forty-eight times the economic rent for the dwelling unit established by the displacing agency. Economic rent is defined as the amount of rent the displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located. The schedule will be based on current analysis of the market to determine an amount for each type of dwelling required. When more than one Federal agency is causing the displacement in a community or an area, the respective agency heads shall cooperate in choosing the method for computing the replacement housing payment and shall use uniform schedules of average rental housing in the community or area.

(2) *Comparative method.*—The Administrator may determine the average month's rent by selecting one or more dwellings most representative of the dwelling unit acquired which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in § 25.52. The payment will be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years and subtracting from such amount forty-eight times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiations, if such rent was reasonable.

(3) *Exceptions.*—The Administrator may establish the average month's rent

paid by the displaced person by using more than 3 months, if he deems it advisable. If rent is being paid to the displacing agency, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) *Alternate to paragraphs (a) (1) and (a) (2) of this section.*—When neither the schedule nor the comparative method of computing the rental differential payment is feasible, the Administrator shall develop criteria for computing the payment.

(5) *Exception to lump-sum payment rule.*—As a general rule, payment of the rental replacement housing differential payment authorized by § 25.63(a) shall be made in a lump-sum payment. Exceptions to this general rule may be made only when deemed advisable in consideration of the displaced person's present status as to decent, safe, and sanitary conditions, income, and the wishes of the displacee.

(b) *Purchases; replacement housing payment.*—If the tenant elects to purchase instead of renting, the payment shall be computed by determining the amount necessary to enable him to make a downpayment and to cover incidental expenses on the purchase of replacement housing as follows:

(1) The downpayment shall be the amount necessary to make a downpayment on a comparable replacement dwelling. Determination of the amount necessary for such downpayment shall be based on the amount of downpayment that would be required for purchase of the dwelling using a conventional loan.

(2) Incidental expenses of closing the transaction are those as described in § 25.53(c).

(3) The maximum payment may not exceed \$4,000, except that if more than \$2,000 is required, the tenant must match any amount in excess of \$2,000 by an equal amount in making the downpayment.

(4) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

**§ 25.63 Computation of replacement housing payments for certain others.**

(a) A displaced owner-occupant who does not qualify for a replacement housing payment under § 25.51 because of the 180-day occupancy requirement and elects to rent is eligible for a rental replacement housing payment not to exceed \$4,000. The payment will be computed in the same manner as shown in § 25.62(a) except that the present rental rate for the acquired dwelling shall be economic rent as determined by market data.

(b) A displaced owner-occupant who does not qualify for a replacement housing payment under § 25.51 because of the 180-day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing downpayment and closing costs not to exceed \$4,000. The payment will be com-

puted in the same manner as shown in § 25.62(b).

**Subpart G—Relocation Assistance Advisory Services**

**§ 25.71 Relocation assistance advisory program.**

Whenever the acquisition of real property for a program or project undertaken by the Veterans Administration will result in the displacement of any person, the Administrator shall establish a relocation assistance advisory program for the displaced person or persons. If the Administrator determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under this program. Where a federally assisted project is involved in the displacement, the State agency shall provide the advisory services. Each relocation assistance advisory program shall include such measures, facilities, or services as may be necessary or appropriate to:

(a) Determine the need, if any, of displaced persons, for relocation assistance;

(b) Provide current continuing information on the availability, prices, and rentals of comparable decent, safe, and sanitary sales and rental housing and of comparable commercial properties and locations for displaced businesses;

(c) Insure the availability of adequate replacement housing prior to displacement as prescribed in § 25.21;

(d) Assist a person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(e) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(f) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

**§ 25.72 Coordination of planned relocation activities.**

(a) *Federal coordination.*—Whenever the Veterans Administration, in conjunction with one or more other Federal agencies, plans displacement activities in a given community or area, the heads of such agencies responsible for the planned activities shall arrange for appropriate channels of communication between each other for the purpose of planning relocation activities and coordinating available housing resources. The agencies involved shall:

(1) Consult with the appropriate Housing and Urban Development Regional or Area Office within the jurisdictional area concerning the availability of housing. (A directory of such Regional and Area Offices is maintained on a current basis by the Department of Housing and Urban Development and subsequent updated directories will be furnished upon request.);



(2) Provide the Housing and Urban Development Regional or Area Offices with information regarding the projects which will cause displacement; and

(3) Designate at least one representative who will meet periodically with the representatives of other Federal agencies causing displacement in the community to review the impact of their respective programs on the community or area.

(b) *Local coordination.*—To further insure maximum coordination of relocation activities in a given community or area, the Administrator shall consult with appropriate local officials prior to approving any proposed project in the community, consistent with the requirements of the procedures promulgated by the Office of Management and Budget Circular A-95 (Revised).

**§ 25.73 Contracting for relocation services.**

(a) *Contracting with central relocation agency.*—Whenever, in his judgment, the Administrator deems it advisable, he may consider contracting with the central relocation agency in a community or area for the purpose of carrying out the relocation activities described in this part. Such services will be performed in strict accordance with Public Law 91-646 and this part. The appropriate Housing and Urban Development Regional/Area Office shall be consulted for information and assistance concerning contracts for these services.

(b) *Contracting with others.*—When a centralized relocation agency is not available in a community or if the centralized agency does not have the capacity to provide the necessary services, within the time required by the Veterans Administration's program, the Veterans Administration may contract with another public agency or a private contractor who can provide the necessary relocation services. Such services will be performed in strict accordance with Public Law 91-646, and this part.

**Subpart H—Federally Assisted Programs**

**§ 25.81 Assurances.**

(a) *Information.*—The assurances required of State agencies by secs. 210 and 305 will include a statement that the affected persons will be adequately informed of the benefits, policies and procedures described in the assurances.

(b) *Inability to provide assurances for programs or projects causing displacement on or after July 1, 1972.*—If a State agency is unable to provide the assurances required by secs. 210 and 305 on or after July 1, 1972, with regard to any program or project that will result in the displacement of any person or the acquisition of any real property, the Administrator shall not approve any grant to, or contract or agreement with, such State agency under which Federal financial assistance will be available to pay all or part of the cost of such program or project, until such time as assurances applicable to all persons to be displaced and owners of real property to be acquired are provided.

(c) *Compliance with secs. 301 and 302.*—A State agency, as part of the assurances required by sec. 305, shall provide a statement indicating the extent to which it can comply with the provisions of secs. 301 and 302. If the State agency indicates that it is unable to comply fully with any of such policies, its statement shall be supported by an opinion of the chief legal officer of the State agency. The opinion shall contain a full discussion of the issues involved, and shall cite legal authority in support of the conclusion of legal inability to comply with any of the provisions set forth in secs. 301 and 302. State agencies will comply with secs. 301 and 302 if, under State law, compliance is legally possible.

(d) *Monitoring assurances.*—The Administrator shall take continuing action to insure that State agencies are acting in accordance with the assurances they have provided.

**§ 25.82 Administration; relocation assistance programs.**

(a) *Approval.*—A State agency electing to contract for services pursuant to sec. 212 will enter into a written contract consistent with this part. The Administrator shall take affirmative action to assure that the contract is administered so as to provide uniform and effective relocation for all displaced persons, consistent with this part.

(b) *Contract for services by State agencies.*—Contracts shall include, as a minimum, the following provisions:

(1) That payments and assistance shall be provided in accordance with this part.

(2) That records required by this part will be retained by the State agency for a period of at least 3 years and shall be available for inspection by representatives of the Veterans Administration.

(3) Clauses implementing Title VI of the Civil Rights Act of 1964 (Public Law 88-352); and any other provisions required by the Administrator to assure that the project is performed in a manner consistent with this part.

**Subpart I—Uniform Real Property Acquisition Policy**

**§ 25.101 Applicability.**

The provisions of Title III of the Act apply to the acquisition of real property for Federal and federally assisted programs or projects.

**§ 25.102 Acquisition procedures.**

(a) *Just compensation.*—Section 301 (3) requires that, before initiation of negotiations for the acquisition of real property, the Administrator shall establish an amount which he believes to be just compensation therefor. In no event shall such amount be less than the Veterans Administration's approved appraisal of the fair market value of the property.

(b) *Appraisal standards.*—For the purpose of promoting uniformity under sec. 301(3), the Administrator shall establish, for all Federal or federally assisted programs under his jurisdiction, standards for appraisals used in such

programs, criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers, consistent with the Uniform Appraisal Standards for Federal Land Acquisition published in 1972 by the Interagency Land Acquisition Conference.

(c) *Initiation of negotiations.*—When negotiations for the acquisition of real property are initiated, the owner shall be provided with a written statement concerning the proposed acquisition. This statement shall include, as a minimum, the following:

(1) Identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements on the land, as well as the fixtures considered to be a part of the real property, and

(2) The amount of the estimated just compensation for the property to be acquired, as determined by the Veterans Administration, and a statement of the basis therefor. In the case of a partial taking, damages, if any, to the remaining real property shall be separately stated.

(d) *Offer to purchase.*—The Administrator shall make a prompt offer to purchase the property for the amount contained in the statement.

(e) *Notice to move.*—Section 301(5) provides for a notice to move and is applicable only in those instances where actual displacement of persons, businesses or farm operations occurs. To the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least 90 days' written notice from the Administrator of the date by which such move is required.

(f) *Federally assisted programs.*—In administering Federal financially assisted programs carried out by State agencies the Administrator shall require that State agencies reimburse owners for necessary expenses as specified in secs. 303 and 304. The Administrator also shall require that all State agencies comply with the provisions of secs. 301 and 302 if compliance is legally possible under State law.

**§ 25.103 Condemnation.**

(a) The time of condemnation will neither be advanced, nor negotiations or condemnation and the deposit of funds in court be deferred, nor any other action coercive in nature taken, in order to compel an agreement on price.

(b) If real property is to be acquired by condemnation, proceedings will be instituted promptly. No action will intentionally be taken which will make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

**§ 25.104 Improvements owned by tenants.**

(a) Whenever any interest is acquired for a Federal or federally assisted program in any State, the agency will acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property,



including advertising signs, unless they are excluded as personal property:

- (1) Which the agency requires to be removed from the real property, or
- (2) Which the agency determines will be adversely affected by the use to which such real property will be put.

(b) The following apply in determining the just compensation for any such buildings, structures, or other improvements:

- (1) They will be deemed to be part of the real property to be acquired, notwithstanding the right or obligation of the tenant as against the owner of any other interest in the real property to remove them at the expiration of his term.
- (2) The fair market value which such structures, buildings, or other improvements contribute to the fair market value of the real property to be acquired, or the fair market value of such buildings, structures or other improvements for removal from the real property, whichever is greater, will be paid the tenant.

(c) Payments under paragraphs (a) and (b) of this section will not be made:

- (1) Which result in duplication of any payments otherwise authorized by law.
- (2) Unless the owner of the land involved disclaims all interest in such buildings, structures, or other improvements.
- (3) Unless the tenant agrees that in consideration of any such payment he will assign, transfer, and release to the acquiring agency all his right, title and interest in and to such buildings, structures and improvements.

(d) The tenant may reject payment under this section and obtain payment for the buildings, structures, or other improvements in accordance with any other applicable law.

(e) Unless the tenant agrees that in consideration of any such payment he will assign, transfer, and release to the acquiring agency all his right, title and interest in and to such buildings, structures and improvements.

(f) The tenant may reject payment under this section and obtain payment for the buildings, structures, or other improvements in accordance with any other applicable law.

(g) The tenant may reject payment under this section and obtain payment for the buildings, structures, or other improvements in accordance with any other applicable law.

#### § 25.105 Expenses incidental to transfer of title to the United States.

As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award in a condemnation to acquire real property, the owner will be reimbursed to the extent the Administrator determines fair and reasonable, for expenses he necessarily incurred for:

- (a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the United States;
- (b) Costs for prepayment of any pre-existing recorded mortgage entered into in good faith encumbering such real property; and
- (c) The prorated portion of real property taxes paid which are allowable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is earlier.

(d) The tenant may reject payment under this section and obtain payment for the buildings, structures, or other improvements in accordance with any other applicable law.

#### § 25.106 Lease to former owner or occupant.

If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term, or for a period subject to termination by the Government on short notice, the amount of

rent required will not exceed the fair market rental value of the property to a short term occupier.

#### § 25.107 Litigation expenses.

In any condemnation proceeding brought by the Veterans Administration to acquire real property, it shall reimburse the owner of any right, title, or interest in the real property for his reasonable costs, disbursements, and expenses, including attorney, appraisal, and engineering fees actually incurred because of the condemnation proceeding if:

- (a) The final judgment is that the Veterans Administration cannot acquire the real property by condemnation; or
- (b) The proceeding is abandoned by the United States. The court rendering a judgment for the plaintiff in a proceeding brought under sec. 1346(a)(2) or 1491 of Title 28, United States Code awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, will determine and award or allow to such plaintiff, as part of such judgment or settlement, such sum as will in the opinion of the court, or the Attorney General, reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

#### Subpart J—Definitions

##### § 25.121 Applicability.

The definitions set forth in § 25.123 are intended to implement the Act and the guidelines as set forth in OMB Circular No. A-103, dated May 1, 1972. In the event of any deviation the definitions set forth in the Act will be controlling.

##### § 25.122 General.

The following definitions are contained in other sections of this part and shall be applied as indicated in § 25.121.

- (a) Comparable replacement housing, § 25.52.
- (b) Decent, safe, and sanitary housing, § 25.21(d).
- (c) Economic rent, § 25.62(a)(1).
- (d) Incidental expenses, § 25.53(c).
- (e) Initiation of negotiations, §§ 25.51(a)(1) and 25.61(a)(1).
- (f) Interest payment, § 25.53(b).
- (g) Net earnings, § 25.45.

##### § 25.123 Definitions.

(a) *The Act.*—The term "the Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), approved January 2, 1971.

(b) *Displacing agency.*—The term "displacing agency" means a Federal agency in the case of a direct Federal project or a State agency in the case of a project receiving Federal financial assistance.

(c) *Dwelling.*—The term "dwelling" means the place of permanent or customary and usual abode of a person. It includes a single family building; a one-family unit in a multifamily building; a

unit of a condominium or cooperative housing project; or any other residential unit, including a mobile home, which is either considered to be real property under State law, or cannot be moved without substantial damage or unreasonable cost.

(d) *Family.*—The term "family" means two or more individuals who are related by blood, adoption, marriage or legal guardianship who live together as a family unit, or other individuals who consent to live together as a family unit for the purpose of determining benefits under Title II of the Act.

(e) *Owner.*—The term "owner" means a person who holds fee title, a life estate, a 99-year lease, or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estates or interests or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the Administrator, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(f) *Federal agency.*—The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

(g) *State.*—The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(h) *State agency.*—The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(i) *Federal financial assistance.*—The term "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(j) *Person.*—The term "person" means any individual, partnership, corporation, or association.

(k) *Displaced person.*—The term "displaced person" means any person who, on or after January 2, 1971, moves from real property, or moves his personal property from real property, as a result



of acquisition of such real property, in whole or in part, or as a result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of secs. 202(a) and (b) and 205 as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(1) *Business.*—(i) The term "business" means any lawful activity, excepting a farm operation, conducted primarily:

(i) For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(ii) For the sale of services to the public;

(iii) By a nonprofit organization; or

(iv) Solely for the purposes of sec. 202(a) for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(2) Occupations which do not contribute materially to the income of the displaced person are not considered to come within the definition of business.

(3) For the purpose of sec. 202(c), and § 25.31 where a warehouse or other storage facility which is acquired by the Government is operated in conjunction with a business, and the business is not so acquired, the warehouse or storage facility is not considered to be a business. An example is a warehouse owned by a furniture store. A lot for the storage of automobiles, which was acquired, and the related car sales business or garage which was not acquired would fall in the same category.

(m) *Farm operation.*—The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(n) *Mortgage.*—The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

#### § 25.124 Financial means.

For the purpose of determining financial means of families and individuals in

accordance with sec. 205(c) (3), a "financial means" test (ability to pay) must be made to satisfy the requirement set forth in § 25.52(a) (7). In order to meet a financial means test a determination will be made as to the displaced person's ability to afford the replacement dwelling. In making this determination, the average monthly rental or housing cost (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes and other reasonable recurring related expenses) which the displaced person will be required to pay, in general, should not exceed 25 percent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies. The Administrator may provide for determinations that 25 percent of monthly gross income for housing costs or the present ratio of housing payment to the individual income is or is not excessive to the other needs of the displaced family or individual, such as food, clothing, child care, medical expenses, etc. In these cases, the Administrator shall establish criteria for determining the financial means of the displaced family or individual.

#### Subpart K—Administrative Review

##### § 25.131 Administrative review.

(a) Any applicant, whether in connection with a direct Federal program or project or with a State program or project receiving Federal financial assistance who is aggrieved by a determination as to eligibility for a payment authorized by the Act, or the amount of a payment, is entitled to have his application reviewed by the Administrator, or by the head of the State agency, respectively.

(b) The procedures pertaining to administrative review whether by the Administrator or the head of a State agency, shall insure:

(1) Prompt consideration of all requests for administrative review.

(2) Prompt written notice to a claimant of any determination made in connection with his application. This written notice must include a full explanation concerning any amount claimed which has been disallowed.

(3) Prompt payment of any amounts which are determined to be due the claimant.

These VA Regulations are effective August 24, 1973.

Approved: August 17, 1973.

By direction of the Administration.

[SEAL] FRED B. RHODES,  
Deputy Administrator.

[FR Doc. 73-17974 Filed 8-23-73; 8:45 am]

#### Title 46—Shipping

#### CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 71-181 CR]

#### PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGIS- TRATION OF STAFF OFFICERS

#### PART 12—CERTIFICATION OF SEAMEN

#### PART 31—INSPECTION AND CERTIFICATION

#### PART 71—INSPECTION AND CERTIFICATION

#### PART 91—INSPECTION AND CERTIFICATION

#### PART 105—COMMERCIAL FISHING VES- SELS DISPENSING PETROLEUM PROD- UCTS

#### PART 175—GENERAL PROVISIONS

#### PART 176—INSPECTION AND CERTIFICATION

#### PART 187—LICENSING

#### PART 188—GENERAL PROVISIONS

#### PART 189—INSPECTION AND CERTIFICATION

#### Pollution Prevention Inspection of Vessels and Deck and Engineer Officers' Li- censes; Change of Effective Date

FR Doc. 72-21817 published in the December 21, 1972 issue of the *FEDERAL REGISTER* (37 FR 28261) promulgated new regulations which included the requirement for more frequent hull inspection (drydocking) of tank barges operating in fresh water service.

It was the intent of the regulations that the tank barges which were affected would be on a 3-year drydocking cycle by July 1, 1974. Since promulgation of the regulations, it has become apparent to the Coast Guard that primarily due to the heavy flooding throughout the central part of the nation which has interfered with the operation and capabilities of drydocking and gas freeing facilities, the 3-year drydocking cycle will be physically impossible to universally attain by July 1, 1974. With the present energy shortage, a resultant lay up of a large number of barges due to insufficient drydocking and gas freeing facilities is not prudent.

Accordingly, an extension to the period allowed for existing equipment to be phased into the new drydocking schedule is appropriate. Such action would assure progress toward the 3-year cycle and provide first attention to barges that have operated the longest period since last drydocking.

By changing the effective date of § 31.10-20, all tank barges will be on a 3-year drydocking/internal examination cycle by July 1, 1975; however by July 1, 1974, a tank barge is required to be drydocked or, if appropriate, inspected internally if the vessel was constructed or drydocked before July 1, 1970.



In consideration of the foregoing, the effective date of the regulations is changed to read as follows: "These amendments shall become effective on July 1, 1974, except as follows: The amendments to Parts 10, 12, 105, and 187 shall become effective on July 30, 1973; The amendments to § 31.10-20 shall become effective on July 1, 1974 for all barges drydocked or constructed before July 1, 1970, and on July 1, 1975 for all barges drydocked or constructed after July 1, 1970."

(R.S. 4405, as amended, R.S. 4462, as amended, sec. 311(j) (1) (C) and (D), Federal Water Pollution Control Act, 86 Stat. 816, 868; National Environmental Policy Act of 1969, 83 Stat. 852; sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 33 U.S.C. 1161 (j) (1) (C) and (D), 42 U.S.C. 4321, et seq.; 49 U.S.C. 1655(b) (1); E.O. 11548; 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46 (b) and (m))

Dated: August 20, 1973.

C. R. BENDER,  
Admiral, U.S. Coast Guard,  
Commandant.

[FR Doc.73-17933 Filed 8-23-73; 8:45 am]

[CGD 73-107R]

#### SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

#### PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

##### Registration of Staff Officers

The purpose of these amendments to the Coast Guard regulations governing the issuance of Certificates of Registry to Staff Officers is to change the endorsement of pharmacist's mate to marine physicians assistant and to provide for the endorsement of hospital corpsman.

During World War II, the endorsement "pharmacist's mate" was authorized, under 46 U.S.C. 242, on each Certificate of Registry issued in the several grades of purser to persons who had completed the U.S. Maritime Service Training Program. This rating was established in § 10.25-9 of Title 46, Code of Federal Regulations, in the June 1, 1967 issue of the FEDERAL REGISTER (32 FR 7915), following the institution of a nine month course of instruction at the United States Public Health Service Hospital, Staten Island, New York.

Responding to requests by pharmacologists, the Navy and the Coast Guard changed the name of the rate from "pharmacist's mate" to "hospital corpsman" after World War II. Under the same aegis and to provide a more descriptive title to the training program, the United States Public Health Service, starting with the class commencing September 8, 1969, used the title "marine physician assistant." Those persons successfully completing that and subsequent classes have been issued certificates by Public Health as Marine Physician Assistants.

The Coast Guard, in recognition of the special qualifications of persons completing this training and under author-

ity of 46 CFR 10.25-9(d) which allows for the issuance of Certificates of Registry to applicants presenting such qualifications, has granted a supplemental Certificate of Registry to each person who has successfully completed the prescribed course of training at the United States Public Health Service Hospital, Staten Island, New York. The course of training offered there since January 1973 has been increased to 13 months and has been approved by the State of New York and the American Medical Association.

The purpose of this document is to grant formal recognition of the training program at the Staten Island Public Health Service Hospital. Ancillary purposes are to provide for the rating of "hospital corpsman" for persons with Armed Service experience to provide for the elimination of the term "pharmacist's mate" and to retitle § 10.25-9 to more fully explain the intent of that section.

Since the amendments in this document concern matters relating to agency management, they are excepted from notice of proposed rule making and may be made effective in less than 30 days from the publication date.

In consideration of the foregoing, Part 10 of Title 46, Code of Federal Regulations, is amended as follows:

1. By deleting § 10.25-9(a) (6) and revising the heading of § 10.25-9 to read as follows:

§ 10.25-9 Experience requirements for registry.

2. By adding a new § 10.25-11 to read as follows:

§ 10.25-11 Experience requirements for ratings endorsed on certificates of registry.

An applicant for a rating to be endorsed on a certificate of Registry must submit evidence of experience as follows:

(a) *Marine physician assistant.*—Successful completion of a course of training for the rating of marine physician assistant that is conducted by the United States Public Health Service at Staten Island Public Health Service Hospital.

(b) *Hospital corpsman.*—(1) A rating of at least hospitalman, first-class in the U.S. Navy, U.S. Coast Guard, U.S. Marine Corps, or an equivalent rating in the U.S. Army (not less than staff sergeant, Medical Department U.S.A.), or in the U.S. Air Force (not less than technical sergeant, Medical Department, U.S.A.F.), and a period of service of at least 1 month in a military or U.S. Public Health Service Hospital;

(2) Successful completion of a course of training for rating of hospital corpsman that is approved by the Commandant; or

(3) A Certificate of Registry with an endorsement as pharmacist's mate.

(Sec. 7, 53 Stat. 1147, as amended, Sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 247, 49 U.S.C. 1655(b) (1); 49 CFR 1.46(b))

*Effective date.*—These amendments are effective on August 27, 1973.

Dated: August 17, 1973.

C. R. BENDER,  
Admiral,

U.S. Coast Guard Commandant.

[FR Doc.73-17932 Filed 8-23-73; 8:45 am]

#### SUBCHAPTER J—ELECTRICAL ENGINEERING [CGD 73-6R]

#### PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

##### Wiring Methods and Materials for Hazardous Locations

The purpose of this amendment to Part 111, Subchapter J of Chapter I, Title 46, Code of Federal Regulations is to bring the list of certain air mixtures of hazardous gases, vapors, or dusts into conformity with the recently revised Article 500-2 of the National Electric Code.

A notice of proposed rulemaking was published in the FEDERAL REGISTER on February 14, 1973 (38 FR 4414) proposing the addition of several chemicals to table § 111.80-5(a) (7).

During the period of February 14, 1973 to March 16, 1973, written comments from interested persons were received. The Coast Guard has considered these comments in preparing the final rule.

One comment questioned the omission of the footnote of table 500-2(c) of the National Electric Code in the proposed change. Footnotes (1), (2), and (4) will be included at the end of Table 111.80-5(a) (7), Hazardous Atmospheres, as these footnotes modify the group classification of some chemicals. The subject matter of footnote (3) does not relate to the group classification and is adequately addressed in other parts of this chapter.

Two comments supported the proposed rule while none opposed it. In consideration of the foregoing, § 111.80-5(a) (7) is revised to read as follows:

§ 111.80-5 Wiring methods and materials for hazardous locations.

(a) . . .

(7) Electrical equipment is approved for location and for specific hazardous atmospheres of gas, vapor, or dust, that are present. Hazardous air mixtures that are not oxygen enriched are grouped on the basis of their characteristics in Article 500 of the National Electric Code, which is reproduced in Table § 111.80-5(a) (7). Other chemicals and materials which generate hazardous atmospheres and are not listed in Table 111.80-5(a) (7) are listed in Table 151.05 of this chapter.

#### TABLE 111.80-5(a) (7) HAZARDOUS ATMOSPHERES GROUP A

Acetylene.



GROUP B

Butadiene.<sup>1</sup> more than 30 per-  
Ethylene oxide.<sup>2</sup> cent hydrogen (by  
Hydrogen. volume).  
Manufactured Propylene oxide.<sup>3</sup>  
gases containing

GROUP C

Acetaldehyde. Unsymmetrical di-  
Cyclopropane. methyl hydrazine  
Diethyl ether. (UDEH 1, 1-di-  
Ethylene. methyl hydrazine).  
Isoprene.

GROUP D

Acetone. Methyl isobutyl  
Acrylonitrile. ketone.  
Ammonia. 2-methyl-1-propanol  
Benzene. (isobutyl alcohol).  
Butane. 2-methyl-2-propanol  
1-butanol (butyl (tertiary butyl al-  
alcohol).cohol).  
2-butanol (second- Petroleum naptha.<sup>3</sup>  
ary butyl alcohol). Octanes.  
n-butyl acetate. Pentanes.  
Isobutyl acetate. 1-pentanol  
Ethane. (amyl alcohol).  
Ethanol. Propane.  
(ethyl alcohol). 1-propanol  
Ethyl acetate. (propyl alcohol).  
Ethylene dichloride. 2-propanol (isopro-  
Gasoline. pyl alcohol).  
Heptanes. Propylene.  
Hexanes. Styrene.  
Methane. Toluene.  
(natural gas). Vinyl acetate.  
3-methyl-1-butanol Vinyl chloride.  
(isobutyl alcohol). Xylenes.  
Methyl ethyl ketone.

GROUP E

Metal dust, including and other metals  
aluminum, magne- of similar hazard-  
sium, and their ous characteristics.  
commercial alloys.

GROUP F

Carbon black. Coke dust.  
Coal.

GROUP G

Flour. Grain dust.  
Starch.

**Effective date.**—This amendment be-  
comes effective November 27, 1973.

(R.S. 4405, as amended, sec. 5, 49 Stat. 1384,  
as amended, sec. 3, 70 Stat. 152, R.S. 4417a,  
as amended, R.S. 4482, as amended, R.S. 4491,  
as amended, sec. 6(b)(1), 80 Stat. 937; 49  
U.S.C. 375, 369, 390b, 391a, 416, 489, 49 U.S.C.  
1655(b)(1); 49 CFR 1.46(b))

Dated: August 21, 1973.

C. R. BENDER,  
Admiral,

U.S. Coast Guard Commandant.

[FR Doc.73-17934 Filed 8-23-73; 8:45 am]

<sup>1</sup> Group D equipment may be used for this  
atmosphere if such equipment is isolated as  
required by paragraph (b)(10) of this sec-  
tion.

<sup>2</sup> Group C equipment may be used for this  
atmosphere if such equipment is isolated as  
required by paragraph (b)(10) of this sec-  
tion.

<sup>3</sup> A saturated hydrocarbon mixture boiling  
in the range of 20-135° C (68-275° F). Also  
known by the synonyms benzene, ligroin,  
petroleum ether or naphtha.

Title 47—Telecommunication  
CHAPTER I—FEDERAL COMMUNICA-  
TIONS COMMISSION  
[Docket No. 19735, RM-1883; FCC 73-803]  
PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast  
Stations

**Report and order.** In the Matter of  
amendment of section 73.202(b), Table  
of Assignments, FM Broadcast Stations.  
(Lyons, Kansas).

1. On May 9, 1973, the Commission  
issued a Notice of Proposed Rulemaking  
(FCC 73-489, 38 Fed. Reg. 13386) in the  
above-entitled matter, proposing the  
substitution of Channel 291 for Channel  
288A at Lyons, Kansas. The proceeding  
was instituted on the basis of a petition  
filed by Rice County Broadcasting Co.,  
Inc., licensee of Station KLOQ(FM),  
Lyons, Kansas. Station KLOQ is pres-  
ently operating on Channel 288A which  
is the sole assignment in Lyons. Inter-  
ested parties were invited to comment on  
the proposal on or before June 22, 1973,  
and could reply to such comments on or  
before July 3, 1973. There were no op-  
positions to the proposal. Supporting  
comments were filed by petitioner.

2. Lyons, population 4,355, is the seat  
of Rice County, population 12,320. There  
are no standard broadcast stations in  
Rice County.

3. Petitioner points out that it desires  
to switch from a Class A to a Class C  
assignment so that it may increase the  
power and antenna height of its station  
(KLOQ) to enlarge its present service  
area. It maintains that the increased  
coverage is necessary for competitive  
position in the market, and if the switch is  
made, it immediately intends to increase  
power to 25 Kw and tower height to 500  
feet. It contends that based on the FCC  
method of prediction of service, this in-  
crease in facilities would bring a first FM  
service to 193 people and a second to  
23,374. Preclusion areas occur in the co-  
channel and five of the six pertinent ad-  
jacent channels as a result of the assign-  
ment of Channel 291 to Lyons. However,  
most of the communities located within  
these areas either have or can be assigned  
FM broadcast channels. In supporting  
comments, petitioner states that through  
a number of carefully planned steps over  
a period of years as the audience re-  
sponds to this new medium, he intends  
to build Station KLOQ to 100 Kw circular  
polarization with a tall tower.

4. The Commission would ordinarily  
assign a Class A channel to a community  
the size of Lyons, but under the above  
circumstances the proposal to substitute  
Channel 291 for Channel 288A at Lyons,  
has public interest value and is worthy of  
adoption. In our view, because it is a re-  
asonable means to provide a first and sec-  
ond FM service to 193 and 23,374 persons,  
respectively. Since Channel 291 can be  
assigned to Lyons and used at the present

<sup>1</sup> Population figures cited are from the 1970  
U.S. Census.

site without any other changes in the  
Table and in full conformity with all  
spacing requirements, we believe it  
should be granted.

5. The authority for the action taken  
herein is contained in Sections 4(i), 303  
(g) and (r), and 307(b) of the Commu-  
nications Act of 1934, as amended.

6. Accordingly, it is ordered, That ef-  
fective September 7, 1973, the Table of  
FM Assignments (section 73.202(b) of  
the Rules) is amended with respect to  
the city listed below as follows:

City	Channel No.
Lyons, Kansas	291

7. It is further ordered, That effective  
September 7, 1973, and pursuant to sec-  
tion 316(a) of the Communications Act  
of 1934, as amended, the outstanding li-  
cense held by Rice County Broadcasting  
Co., Inc., for Station KLOQ(FM), Lyons,  
Kansas, is modified to specify operation  
on Channel 291 in lieu of Channel 288A  
subject to the following conditions.

(a) The licensee shall inform the Com-  
mission in writing by no later than Sep-  
tember 7, 1973, of its acceptance of this  
modification.

(b) The licensee shall submit to the  
Commission by September 27, 1973, all  
necessary information complying with  
the applicable technical rules for modi-  
fication of authorization to cover the  
operation of Station KLOQ(FM) on  
Channel 291 at Lyons, Kansas.

(c) The licensee may continue to oper-  
ate on Channel 288A under its outstand-  
ing authorization until it is ready to  
operate on the new frequency. Ten days  
prior to commencing operation on Chan-  
nel 291, the licensee shall submit the  
same measurement data normally re-  
quired in an application for an FM broad-  
cast station license.

(d) The licensee shall not commence  
operation on Channel 291 until the Com-  
mission specifically authorizes it to do so.

8. It is further ordered, That this pro-  
ceeding is terminated.

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

Adopted: July 26, 1973.

Released: August 20, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] VINCENT J. MULLINS,  
Acting Secretary.

[FR Doc.73-17995 Filed 8-23-73; 8:45 am]

Title 49—Transportation  
SUBTITLE A—OFFICE OF THE  
SECRETARY OF TRANSPORTATION

[OST Docket No. 32]

PART 85—CARGO SECURITY ADVISORY  
STANDARDS

High Value Commodity Storage

Correction

In FR Doc. 73-17279 appearing at page  
22388 for the issue of Monday, August 20,

<sup>2</sup> Commissioner H. Rex Lee absent.



1973, in the last paragraph of column three on page 22388, line 2, following the word "effective" insert "August 20, 1973".

# CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 70-20; Notice 2]

## PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

### Fuel System Integrity Correction

In FR Doc. 73-17300, appearing on page 22397 of the issue for Monday, August 20, 1973, the heading of § 571.301 is incorrect. As corrected, the section heading should read:

§ 571.301 Standard No. 301; fuel system integrity. (Effective Sept. 1, 1975).

# CHAPTER X—INTERSTATE COMMERCE COMMISSION

## SUBCHAPTER A—GENERAL RULES AND REGULATIONS

### PART 1033—CAR SERVICE

[S.O. 1126; Amdt. 1]

Baltimore and Ohio Railroad Company Authorized To Operate Over Tracks of Penn Central Transportation Co. et al.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of August 1973.

Upon further consideration of Service Order No. 1126 (38 FR 6999), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1126 (*The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees*) 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., February 28, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

*Effective date.*—This amendment shall become effective at 11:59 p.m., August 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 Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that 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] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc. 73-18003 Filed 8-23-73; 8:45 am]

## Title 50—Wildlife and Fisheries

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

#### PART 32—HUNTING

##### Certain National Wildlife Refuges in Alaska

The following regulations are issued and are effective on August 24, 1973. These regulations apply to public hunting on portions of certain national wildlife refuges in Alaska.

*General conditions.*—Hunting shall be in accordance with applicable State regulations. Information relative to hunting may be obtained from Refuge Managers addressed to respective refuges.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Aleutian Islands National Wildlife Refuge, Pouch 2, Cold Bay, Alaska 99571.

*Special conditions.*—(1) Exception Amchitka Island.

(2) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting upland game or upland game hunters, is restricted to the following areas:

*Area No. 1.*—The airstrip situated at the village of False Pass.

*Area No. 2.*—The airstrip situated at Cape Sarichef.

*Area No. 3.*—The waters of all lakes, bays, and lagoons on or adjacent to Unimak Island.

Izembek National Wildlife Range, Pouch 2, Cold Bay, Alaska 99571.

*Special conditions.*—(1) The landing of aircraft is prohibited except in the event of emergency.

(2) The use of motorized vehicles is restricted to the established road system.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Aleutian Islands National Wildlife Refuge, Pouch 2, Cold Bay, Alaska 99571.

*Special conditions.*—(1) Species permitted to be taken: Caribou on the islands of Atka, Unimak, and Adak; brown bear on the island of Unimak.

(2) A federal permit is required to take brown bear on Unimak Island. Permits may be obtained from the Refuge Manager, Aleutian Islands National Wildlife Refuge, Pouch 2, Cold Bay, Alaska 99571.

(3) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting big game or big game hunters, is restricted to the

following areas:

*Area No. 1.*—The airstrip situated at the village of False Pass.

*Area No. 2.*—The airstrip situated at Cape Sarichef.

*Area No. 3.*—The waters of all lakes, bays, and lagoons on or adjacent to Unimak Island.

Izembek National Wildlife Range, Pouch 2, Cold Bay, Alaska 99571.

*Special conditions.*—(1) The landing of aircraft is prohibited except in the event of emergency.

(2) The use of motorized vehicles is restricted to the established road system.

(3) The Cold Bay closed area, partly within the Izembek National Wildlife Range, beginning at the peak of Frosty Mountain running in a straight line approximately northwest to the tip of Cape Glazenap in Izembek Lagoon, thence north-eastward along the mean high tide line to the north end of Neumann Island (at app. 55°25'N, 162°41'W), thence on a straight line running approximately south to the tip of the spit at the western entrance to Kinzarof Lagoon in Cold Bay (at app. 55°76'N, 162°41'W), thence generally southward along mean high tide line to the head of Old Mans Lagoon in Cold Bay (at app. 55°04'N, 162°38'W), thence on a straight line to the point of beginning, is closed by State of Alaska regulation to the taking of brown and grizzly bear only.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

ROBERT D. JONES, Jr.,  
Refuge Manager, Izembek  
NWR, Cold Bay, Alaska.

AUGUST 8, 1973.

[FR Doc. 73-17957 Filed 8-23-73; 8:45 am]

## Title 6—Economic Stabilization

### CHAPTER I—COST OF LIVING COUNCIL

#### PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

#### PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

##### Stage A Amendments

The purpose of these amendments is to make corrections and clarifications in the Phase IV Stage A food regulations.

Price adjustments for food items sold at a loss formerly were permitted only in situations where the freeze cost exceeded the freeze price and were restricted to increases only up to the freeze cost in the case of wholesalers and retailers purchasing directly from a producer of raw agricultural products sold for ultimate consumption in their original physical form and processors purchasing raw agricultural products. Section 140.93

(d) (1) which governs these adjustments is amended by substituting the term "average cost" for "freeze cost". Therefore, the price of these items may be increased to the average cost of the item



if the average cost of the food item purchased during the freeze base period exceeded the freeze price. This amendment makes this treatment of this situation uniform for both adjustments for items sold at a loss and inventory price adjustments under § 140.93.

Section 140.14 governing imports is also amended to conform its provisions with the Stage A regulations. Sellers of imported food could previously pass on increases in the landed cost of a food item if the food item were not physically transformed or did not become a component of another item. Thus, sellers of any food item which did not go through further processing after its arrival in the U.S. could pass on dollar-for-dollar increases in the landed cost of the food in the same manner as resellers of other imports without any certification requirement. Persons importing semi-processed food for further processing, however, could not take advantage of the dollar-for-dollar pass-through provisions of Subpart I because they could not obtain a certification of an increase in the raw agricultural costs of the food item as required in Subpart I nor did they meet the requirements of § 140.14. This amendment will now permit processors of semi-processed imported food to pass on increases in the cost of the imported food items in the same manner as processors using food of domestic origin, except that no certification will be required for these price increases.

The Stage A food regulations have previously been modified to eliminate the provision in 6 CFR 140.99 which limited the food recordkeeping requirements to those food firms with annual sales or revenues in excess of \$50 million derived from sales of food. Section 130.129(c) of the meat ceiling regulation is now amended to conform the Stage A recordkeeping requirements for sellers of pork and lamb with the requirements which are now imposed on sellers of food under Subpart I of the freeze regulations.

Because the purpose of this amendment is to provide immediate guidance and information with respect to Cost of Living Council decisions, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473, E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective August 22, 1973.

Issued in Washington, D.C., on August 22, 1973.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

1. The first sentence of paragraph c of § 130.129 is amended to read as follows:

§ 130.129 Requirements for sellers of swine and sheep.

(c) *Recordkeeping requirements.* Each firm shall maintain comprehensive records of all price adjustments made pursuant to § 130.127 and § 130.128.

2. Section 140.14 is amended to read as follows:

§ 140.14 Imported commodities and services.

Notwithstanding the provisions of § 140.10, any person who imports and sells a commodity or service from outside the several States and the District of Columbia and each reseller of such a commodity or service may pass on increases in the landed cost for such imported commodity or service incurred after June 12, 1973, on a dollar-for-dollar basis so long as the commodity or service is neither physically transformed by the seller nor becomes a component of another product except that when the imported commodity is food, as defined in subpart I of this Part, increases in the landed cost of the commodity may be passed on without regard to the commodity's physical transformation or inclusion as a component of another product. However, this section shall not apply to commodities or services which were originally purchased in the United States but exported and subsequently imported in any form.

3. Section 140.93(d) (1) is amended to read as follows:

§ 140.93 Special price rules.

(d) *Adjustment for items sold at a loss.* . . .

(1) In the case of wholesalers and retailers which purchase directly from a producer for resale raw agricultural products sold for ultimate consumption in their original physical form and manufacturers and processors which purchase raw agricultural products for processing, if the average cost of a food item purchased during the freeze base period exceeds the freeze price of a food item, the seller may charge a price in excess of the freeze price for that food item to reflect on a dollar-for-dollar basis increases in raw agricultural product costs incurred between January 10, 1973, and the freeze base period with respect to that food item which are not otherwise reflected in the freeze price. However, a price charged pursuant to this paragraph may not exceed the average cost of the food item during the freeze base period except to the extent that it reflects allowable cost increases.

[FR Doc. 73-18158 Filed 8-23-73; 10:27 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Nutrition Labeling; Notice of Extension of Effective Date

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6951), the Commissioner of Food and Drugs promulgated a new regulation, § 1.17 (21 CFR 1.17). The regulation requires that all labeling ordered after December 31, 1973, must comply with its provisions. In paragraph 34 of the preamble of the March 14, 1973, order, the Commissioner gave notice that temporary extensions from the December 31, 1973, compliance date will be considered, upon a showing of good cause, based upon an ongoing program of nutrition research.

The Milk Industry Foundation, 910 Seventeenth St. NW., Washington, D.C. 20006, the American Dry Milk Institute, Inc., 130 North Franklin St., Chicago, Ill. 60606, and the Evaporated Milk Association, 910 Seventeenth St. NW., Washington, D.C. 20006 have joined in requesting an extension of the December 31, 1973, label printing requirement for the labeling of milk, lowfat milk, skim milk, evaporated milk, evaporated skim milk, nonfat dry milk, cottage cheese, lowfat cottage cheese, and dry curd cottage cheese. The extension is needed to allow time for completion of studies now being carried out to obtain nutritional data on which to base nutrition labeling for these foods. These studies will not be completed in time to permit manufacturers to develop labels to meet the December 31, 1973, effective date.

The Commissioner has reviewed this program and fully supports it. Notice is hereby given that the requested extension is granted until December 31, 1974, at which time all labeling used for products shipped in interstate commerce shall comply with § 1.17.

Dated August 16, 1973.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 73-17928 Filed 8-23-73; 8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sodium Thiopental, Sodium Pentobarbital

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10-346V) filed by Amdal Co., Division of Abbott Laboratories, North Chicago, Ill. 60064, pro-



posing revised labeling regarding the safe and effective use of sodium thiopental with sodium pentobarbital as an anesthetic for use in cats and dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135b is amended by adding the following new section:

**§ 135b.54 Sodium thiopental, sodium pentobarbital for injection, veterinary.**

(a) *Specifications.*—Each gram of the drug contains 750 milligrams of sodium thiopental and 250 milligrams of sodium pentobarbital sterile powder for dilution with sterile water for injection.

(b) *Sponsor.*—See code No. 003 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used as an anesthetic for intravenous administration to dogs and cats during short to moderately long surgical procedures.

(2) It is administered as follows:

(i) For total anesthesia, it is given at approximately 10 to 12 milligrams per pound of body weight over a period of 3.5 to 5 minutes.

(ii) When preanesthetic medication is used, it is important to wait at least an hour before administering thiopental and sodium pentobarbital for injection, and the dosage necessary for anesthesia is reduced. Usually  $\frac{1}{2}$  to  $\frac{2}{3}$  the normal amount is adequate.

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

*Effective date.*—This order shall be effective August 24, 1973.

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

Dated August 17, 1973.

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

[FR Doc. 73-17927 Filed 8-23-73; 8:45 am]

**CHLORAMPHENICOL INJECTION AND SOLUTION FOR VETERINARY USE**

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications No. 55-002V and 55-003V filed by Tevcon Industries, Inc., 8904 J St., Omaha, Nebr. 68127, covering use of chloramphenicol for administration orally or by injection to dogs. The supplemental applications are approved.

Said drug was approved under section 507 of the Federal Food, Drug, and Cosmetic Act prior to the effective date of the New Animal Drug Amendments of 1968 and has been subject to batch release under sec. 507(a) of the act. Since the drug is now to be certified under the provisions of sec. 512(n) of the act, this order provides for an appropriate amendment to the antibiotic certification regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347;

350-351; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b, 135c, and 151c are amended as follows:

**PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION**

1. Part 135b is amended by adding a new section as follows:

**§ 135b.77 Chloramphenicol injection, veterinary.**

(a) *Specifications.*—The product complies with the requirements of § 151c.19 of this chapter.

(b) *Sponsor.*—See code No. 076 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used in dogs for the treatment of infections of the respiratory tract, the urinary tract, and enteritis and tonsillitis caused by organisms susceptible to chloramphenicol.

(2) It is administered intramuscularly or intravenously at a dosage level of 5 to 15 milligrams per pound of body weight every 6 hours. In severe infections, 4 to 6 hour treatment intervals may be desirable the first day of treatment. If no response to treatment is obtained in 3 to 5 days, use should be discontinued and the diagnosis reviewed.

(3) The label bears a statement that the product is not to be used in animals which are raised for food production.

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

**PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS**

2. Part 135c is amended by adding a new section as follows:

**§ 135c.99 Chloramphenicol oral solution, veterinary.**

(a) *Specifications and special considerations.*—The product complies with the requirements of § 151c.20 of this chapter.

(b) *Sponsor.*—See code No. 076 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used in dogs for the treatment of infections of the respiratory tract, the urinary tract, and enteritis and tonsillitis caused by organisms susceptible to chloramphenicol.

(2) It is administered orally to dogs at a dosage level of 25 milligrams per pound of body weight every 6 hours. In severe infections, 4 to 6 hour treatment intervals may be desirable the first day of treatment. If no response is obtained in 3 to 5 days, discontinue use of the drug and review the diagnosis.

(3) The label bears a statement that this product is not to be used in animals which are raised for food production.

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

**PART 151c—CHLORAMPHENICOL**

3. Part 151c is amended by adding two sections as follows:

**Sec. 151c.19 Chloramphenicol injection, veterinary.**

151c.20 Chloramphenicol oral solution, veterinary.

**§ 151c.19 Chloramphenicol injection, veterinary.**

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.*—Chloramphenicol injection, veterinary is a solution containing chloramphenicol and one or more suitable and harmless buffers and preservatives in ethyl alcohol and propylene glycol base. Each milliliter contains 100 milligrams of chloramphenicol. The chloramphenicol content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine or histamine-like substances. Its pH is not less than 6.5 and not more than 8.5. The chloramphenicol used conforms to the standards prescribed by § 151c.1(a)(1).

(2) *Packaging.*—It shall be packaged in accordance with the requirements of § 148.2 of this chapter.

(3) *Labeling.*—It shall be labeled in accordance with the requirements of § 148.3 and 135b.77 of this chapter.

(4) *Requests for certification; samples.*—In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The chloramphenicol used in making the batch for potency, pH, specific rotation, melting point, absorptivity, and crystallinity.

(b) The batch for potency, sterility, pyrogens, safety, histamine content, and pH.

(ii) Samples required:

(a) The chloramphenicol used in making the batch: 10 packages each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 8 immediate containers.

(2) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.*—(1) *Potency.*—Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured portion of the sample into a volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *Sterility.*—Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except transfer 1 milliliter from each container directly to the dry filter, thus eliminating the preliminary solubilization step.

(3) *Pyrogens.*—Proceed as directed in § 141.4(a) of this chapter.

(4) *Safety.*—Proceed as directed in § 141.5 of this chapter.

(5) *Histamine.*—Proceed as directed in § 141.7 of this chapter, omitting the application of heat.



(6) *pH*.—Proceed as directed in § 141.503 of this chapter, diluting the sample with an equal volume of distilled water.

**§ 151c.20 Chloramphenicol oral solution, veterinary.**

(a) *Requirements for certification.*—

(1) *Standards of identity, strength, quality, and purity.*—Chloramphenicol oral solution, veterinary is a solution containing chloramphenicol and one or more suitable and harmless buffers and preservatives in a suitable and harmless solvent. Each milliliter contains 100 milligrams of chloramphenicol. The chloramphenicol content is satisfactory if it not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to contain. The pH is not less than 6.5 and not more than 8.5. The chloramphenicol used conforms to the standards prescribed in § 151c.2(a)(1) of this chapter.

(2) *Packaging.*—It shall be packaged in accordance with the requirements of § 148.2 of this chapter.

(3) *Labeling.*—It shall be labeled in accordance with the requirements of § 148.3 and 135c.99 of this chapter.

(4) *Requests for certification; samples.*—In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:  
(a) The chloramphenicol used in making the batch for potency, safety, pH, specific rotation, melting point, absorptivity, and crystallinity.

(b) The batch for potency and pH.  
(ii) Samples required:  
(a) The chloramphenicol used in making the batch: 10 packages, each containing approximately 300 milligrams.  
(b) The batch: A minimum of 6 immediate containers.

(5) *Tests and methods of assay.*—(1) *Potency.*—Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured portion of the sample into a volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute with solution #1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *pH.*—Proceed as directed in § 141.503 of this chapter, diluting the sample with an equal volume of distilled water.

*Effective date.*—This order shall be effective August 24, 1973.

(Sec. 512 (1) and (n), 82 Stat. 347, 350-351; 21 U.S.C. 360b (1) and (n).)

Dated August 17, 1973.

FRED J. KINGMA,  
Acting Director,  
Bureau of Veterinary Medicine,  
[FR Doc. 73-17926 Filed 8-23-73; 8:45 am]

**PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS**

**PART 151c—CHLORAMPHENICOL**

**Chloramphenicol Tablets, Veterinary**

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-052V) filed by EVSCO Pharmaceutical Corp., 3345 Royal Ave., Oceanside, N.Y. 11572, covering the use of chloramphenicol tablets for the oral treatment of dogs. The application is approved.

As said drug is subject to batch certification under the provisions of sec. 512 (n) of the Federal Food, Drug, and Cosmetic Act, this order provides for an appropriate amendment to the antibiotic certification regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (1) and (n), 82 Stat. 347; 350-351; 21 U.S.C. 360b (1) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c and 151c are amended as follows:

1. Part 135c is amended by adding a new section as follows:

**§ 135c.102 Chloramphenicol tablets, veterinary.**

(a) *Specifications.*—Chloramphenicol tablets, veterinary contain 100 milligrams of chloramphenicol and conform to the certification requirements of § 151c.21 of this chapter.

(b) *Sponsor.*—See code No. 053 in § 135.501 (c) of this chapter.

(c) *Conditions of use.*—(1) The drug is administered to dogs for oral treatment of bacterial pulmonary infections, bacterial infections of the urinary tract, bacterial enteritis, and bacterial infections associated with canine distemper caused by susceptible organisms.

(2) The drug is administered at 25 milligrams per pound of body weight every 6 hours.

(3) Laboratory tests should be conducted including in-vitro culturing and susceptibility tests on samples collected prior to treatment. If no response to chloramphenicol therapy is obtained in 3 to 5 days, discontinue its use and re-view diagnosis.

(4) The label bears a statement that the product is not to be used in animals which are raised for food production.

(5) Chloramphenicol products must not be used in meat, egg, or milk-producing animals. The length of time that residues persist in milk or tissues has not been determined. Because of potential antagonism, chloramphenicol should not be administered simultaneously with penicillin or streptomycin.

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

2. Part 151c is amended by adding a new section as follows:

**§ 151c.21 Chloramphenicol tablets, veterinary.**

(a) *Requirements for certification.*—

(1) *Standards of identity, strength, quality, and purity.*—Chloramphenicol tablets, veterinary are composed of chloramphenicol with or without one or more suitable diluents, lubricants, binders, colorings and coating substances. Each tablet contains 100 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to contain. Tablets shall disintegrate within 1 hour. The chloramphenicol used conforms to the standards prescribed by § 151c.2(a)(1).

(2) *Labeling.*—It shall be labeled in accordance with the requirements of §§ 148.3 and 135c.102 of this chapter.

(3) *Requests for certification; samples.*—In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:  
(a) The chloramphenicol used in making the batch for potency, safety, pH, specific rotation, melting range, absorptivity, and crystallinity.

(b) The batch for potency and disintegration time.

(ii) Samples required.

(a) The chloramphenicol used in making the batch: 10 packages each containing approximately 300 milligrams.

(b) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay.*—(1) *Potency.*—Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Microbiological turbidimetric assay.*—Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar containing 100 milliliters of 95 percent ethyl alcohol. Blend for 2 minutes. Add 400 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and blend again for 2 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *Spectrophotometric assay.*—(a) *Preparation of working standard solution.*—Dissolve approximately 50 milligrams of the working standard in 100 milliliters of distilled water. Warm if necessary to hasten dissolution. Transfer 10 milliliters into a 250-milliliter volumetric flask and fill to volume with distilled water.

(b) *Procedure.*—Weigh accurately a counted number of not less than 10 tablets and determine the average weight per tablet. Reduce 10 tablets to a fine powder in a mortar and transfer an



amount of powder containing 500 milligrams (estimated) of chloramphenicol to a 1,000-milliliter glass-stoppered volumetric flask. Add 50 milliliters of redistilled methanol to the flask and shake for at least 1 minute. Fill to volume with distilled water and mix thoroughly. Transfer exactly 10 milliliters of this solution into a 250-milliliter glass-stop-

pered volumetric flask. Fill to volume with distilled water and mix thoroughly. Determine the absorbance of this solution on a suitable spectrophotometer in a 1-centimeter quartz cell at 278 nanometers against a blank of distilled water. Calculate the potency of the sample as follows:

$$\text{Milligrams of chloramphenicol per tablet} = \frac{\text{Absorbance of sample} \times \text{Average weight of the tablet} \times 250,000}{\text{Absorbance of standard} \times \text{Weight of powder tested in milligrams}}$$

(2) **Disintegration time.**—Proceed as directed in § 141.540.

**Effective date.**—This order shall be effective August 24, 1973.

(Sec. 512(l) and (n), 82 Stat. 347, 350-351; 21 U.S.C. 360b(1) and (n))

Dated: August 17, 1973.

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

[FR Doc.73-17925 Filed 8-23-73; 8:45 am]

## PART 121—FOOD ADDITIVES

### PART 122—UNAVOIDABLE CONTAMINANTS IN FOOD AND FOOD-PACKAGING MATERIAL

**Polychlorinated Biphenyls; Notice of Partial Confirmation of Effective Date and Stay of a Provision of the Final Order**

In the FEDERAL REGISTER of July 6, 1973 (38 FR 18096), a final order was published limiting the sources by which polychlorinated biphenyls (PCB's) may contaminate animal feed, food, and food-packaging materials during manufacturing, handling, and storage and limiting the levels of PCB's that may be present in animal feed, food, and food-packaging materials as a result of unavoidable, environmental contamination. The order provided for the filing of objections to §§ 121.2546 and 122.10 within 30 days after the date of publication.

No objections to the amendment of § 121.2546 and to the provisions of § 122.10(a) (1) through (8) were filed. Therefore, this amendment and these provisions of the final order will become effective for paper food packaging materials, foods, and feeds initially shipped in interstate commerce after September 4, 1973.

Objections to § 122.10(a) (9), which establishes a temporary tolerance of 10 parts per million for PCB's in paper food-packaging material, were filed by eleven paperboard manufacturers, three paper industry trade associations, and one food manufacturer. The paperboard manufacturers and paper industry trade associations also requested a public hearing on their objections. Pursuant to sec. 701(e) of the Federal Food, Drug, and Cosmetic Act, § 122.10(a) (9) is hereby stayed pending full review of the objec-

tions and requests for hearing. This review will be the subject of a future FEDERAL REGISTER notice.

In the interim, as stated in the final order, the Food and Drug Administration will enforce the temporary tolerance level established by § 122.10(a) (9) by seizing any paper food-packaging material shipped in interstate commerce after September 4, 1973 containing higher than the specified level of PCB's as adulterated in violation of sec. 402 of the Act.

(Secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785-1788 as amended; 21 U.S.C. 342(a), 346, 348, 371).

Dated: August 22, 1973.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.73-18148 Filed 8-23-73; 9:55 am]

## Title 19—Customs Duties

### CHAPTER I—U.S. CUSTOMS SERVICE

[T.D. 73-233]

## PART 153—ANTIDUMPING

### Determination on Printed Vinyl Film From Argentina

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that printed vinyl film from Argentina is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of April 19, 1973 (38 FR 9677).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on July 18, 1973, it notified the Secretary of the Treasury that an industry in the United States is likely to be injured by reason of the importation of printed vinyl film from Argentina sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of July 24, 1973 (38 FR 19878).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to printed vinyl film from Argentina.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Printed vinyl film.....	Argentina.....	73-233

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

[SEAL] EDWARD L. MORGAN,  
Assistant Secretary of the Treasury.  
[FR Doc.73-18082 Filed 8-23-73; 8:45 am]

## PART 153—ANTIDUMPING

[T.D. 73-232]

### Determination on Printed Vinyl Film From Brazil

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that printed vinyl film from Brazil is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of April 19, 1973 (38 FR 9678).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on July 18, 1973, it notified the Secretary of the Treasury that an industry in the United States is likely to be injured by reason of the importation of printed vinyl film from Brazil sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of July 24, 1973 (38 FR 19878).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to printed vinyl film from Brazil.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Printed vinyl film.....	Brazil.....	73-232

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

[SEAL] EDWARD L. MORGAN,  
Assistant Secretary of the Treasury.  
[FR Doc.73-18081 Filed 8-23-73; 8:45 am]



# Proposed Rules

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

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 1 ]

### DEPRECIATION ALLOWANCE FOR PROPERTY OF CERTAIN PUBLIC UTILITIES

#### Notice of Public Hearing on Proposed Regulations

Proposed regulations under section 167(l) of the Internal Revenue Code of 1954, relating to depreciation allowance for property of certain public utilities, appear in the FEDERAL REGISTER for May 31, 1973 (38 FR 14287).

A public hearing on the provisions of such proposed regulations will be held on September 25, 1973, beginning at 10 a.m., e.d.s.t., in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by September 11, 1973. Such outlines should be submitted to the Commissioner of Internal Revenue, attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by September 18, 1973. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents (\$0.10) per page, subject to a minimum charge of \$1.00.

An agenda showing the order of the

hearing on the proposed regulations and the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on September 24, 1973, by telephoning (Washington, D.C.) 202-964-3935.

LAWRENCE B. GIBBS,  
Acting Chief Counsel.

[FR Doc.73-18110 Filed 8-23-73; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[ 33 CFR Part 110 ]

[ CGD 73-180P ]

### ANCHORAGE GROUNDS, PUGET SOUND AREA, WASHINGTON

#### Termination of Blake Island Explosives Anchorage

The Coast Guard is considering terminating the Blake Island Explosives Anchorage in Puget Sound, Washington. To effect the termination, Part 110 of Title 33 of the Code of Federal Regulations would be amended by revoking § 110.230(a)(12). The reason for terminating this anchorage is that it no longer meets the Department of Defense ammunition and explosives safety standards because of the construction of a public marina nearby at State Park on Blake Island.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Thirteenth Coast Guard District, 618 Second Avenue, Seattle, Washington 98104. Each person submitting comments should include his name and address, identify the notice (CGD 73-180P) and give any reasons in support of the comments made. Copies of all submissions received will be available for examination by interested persons at the Office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District will forward any comments received before September 28, 1973, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal.

This amendment is being considered under the authority contained in Sec. 7, 38 Stat. 1053, as amended, sec. 6(g) (1) (A), 80 Stat. 937; 33 U.S.C. 471, 49

U.S.C. 1655(g)(1)(A); 49 CFR 1.46 (c)(1), 33 CFR 1.05-1(c)(1).

Dated: August 21, 1973.

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

[FR Doc.73-17972 Filed 8-23-73; 8:45 am]

## Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 73-RM-23]

### CONTROL ZONE AND TRANSITION AREA Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the control zone and transition area at Kalispell, Mont.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received on or before September 19, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

An instrument landing system serving Runway 01 at Glacier Park International Airport, Kalispell, Mont., will be commissioned in December 1973. Concurrent with the ILS, the FAA will provide an NDB which will be used in conjunction with the instrument approach procedure to be developed. Alteration of the existing control zone and transition areas is necessary to provide airspace protection for aircraft executing a VOR



Runway 29 approach or an ILS Runway 01 approach to Glacier Park Airport.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (38 FR 390), the description of the Kalispell control zone is amended to read:

Within a 5-mile radius of the Glacier Park International Airport (latitude 48°18'49" N., longitude 114°15'16" W.); within 2 miles each side of the 035° bearing from the Smith Lake NDB (latitude 48°06'26" N., longitude 114°27'37" W.); extending from the 5-mile radius zone to 4 miles northeast of the NDB (12.5 miles southwest of the airport).

In § 71.181 (38 FR 510), the description of the transition area is amended to read:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Glacier Park International Airport (latitude 48°18'49" N., longitude 114°15'16" W.); within 5.5 miles each side of the 035° and 215° bearings from the Smith Lake NDB (latitude 48°06'26" N., longitude 114°27'37" W.); extending from the 8-mile radius area to 12 miles southwest of the NDB. That airspace extending upward from 1200 feet above the surface within 5.5 miles east and 9.5 miles west of the Kalispell VOR 186° radial extending from the 700-foot transition area to 18.5 miles south of the VOR; within 5.5 miles southeast and 9.5 miles southwest of the 035° and 215° bearings from the Smith Lake NDB extending from 7.5 miles northeast of the NDB to 18.5 miles southwest of the NDB excluding the 700-foot transition area.

These amendments are proposed under authority of section 307(a), of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, on August 15, 1973.

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

[FR Doc. 73-17938 Filed 8-23-73; 8:45 am]

## ATOMIC ENERGY COMMISSION

[10 CFR Parts 50, 115]

### LICENSING OF PRODUCTION AND UTILIZATION FACILITIES; PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

#### Amendments for Facility Licenses and Authorizations

The Atomic Energy Commission has under consideration certain amendments to its regulations, 10 CFR Part 50, Licensing of Production and Utilization Facilities, and 10 CFR Part 115, Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements, which would simplify the procedural process for AEC authorization of changes in production and utilization facilities and technical specifications relating to such facilities.

Section 189 of the Atomic Energy Act of 1954, as amended (the Act), provides

that in cases where a construction permit for a facility under secs. 103 or 104b. of the Act, or a testing facility under sec. 104c. of the Act, has been issued following a hearing, the Commission may, in the absence of a request therefor by any person whose interest may be affected, issue an amendment to the operating license without a hearing, upon thirty days' notice and publication of its intent to do so in the FEDERAL REGISTER. Such notice may be dispensed with, however, upon a determination that the amendment does not involve a significant hazards consideration.

Under existing provisions of § 50.59 of Part 50, changes may be made in a facility and in the procedures described in the safety analysis report, and tests and experiments not described in the safety analysis report may be conducted, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question. A change which involves a change in technical specifications or an unreviewed safety question must be authorized by the Commission, and the Commission may authorize such a change, test or experiment, upon finding that there is reasonable assurance that the health and safety of the public will not be endangered. If a proposed change in a facility of a type described in §§ 50.21(b) or 50.22 or a testing facility (i.e., a power or test reactor or a fuel reprocessing plant), presents a significant hazards consideration, the Commission may refer the request to the Advisory Committee on Reactor Safeguards. Part 115 contains similar provisions with respect to operating authorizations for power reactors subject to that part.

Part 2 contains provisions which state that a notice of proposed action on an amendment to a facility license which "involves a significant hazards consideration" will be published in the FEDERAL REGISTER, and will provide that, by September 24, 1973, or such lesser period authorized by law as the Commission may specify, the applicant may request a hearing or any person whose interest may be affected by the proceeding may file a petition for leave to intervene (§ 2.105). Section 2.106 provides for FEDERAL REGISTER notice, after issuance, of amendments to facility licenses.

The Commission believes that the separate procedures now in effect for "amendments" and "changes" can be simplified by the establishment of a uniform system for authorization of such actions.

The proposed amendments to Part 50 which follow would continue to permit facility licensees to make changes and perform tests and experiments not described in the safety analysis report without prior Commission approval unless the change, test or experiment involves an unreviewed safety question or a change in the technical specifications. For proposed changes, tests or experiments which involve an unreviewed

safety question or a change in technical specifications, an amendment to the operating license would be required, pursuant to § 50.90. With respect to an application for amendment of a license which involves a significant hazards consideration, the Commission would act upon the application for the amendment after giving notice of its proposed action, pursuant to the applicable provisions of 10 CFR Part 2. Similar changes would be made in the pertinent provisions of Part 115.

Section 50.58 would be amended to reflect the discretion given the Commission in sec. 182 of the Atomic Energy Act to refer applications for license amendments to the Advisory Committee on Reactor Safeguards.

Pursuant to the Atomic Energy Act of 1954, as amended, and sec. 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 50 and 115 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by September 24, 1973.

Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

1. Paragraph (a) of § 50.58 would be revised to read as follows:

§ 50.58 Hearings and report of the Advisory Committee on Reactor Safeguards.

(a) Each application for a construction permit or an operating license for a facility which is of a type described in § 50.21(b) or § 50.22, or for a testing facility, shall be referred to the Advisory Committee on Reactor Safeguards for a review and report. An application for an amendment to such a construction permit or operating license may be referred to the Advisory Committee on Reactor Safeguards for review and report. Any report shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure.

2. Section 50.59 would be revised to read as follows:

§ 50.59 Changes, tests and experiments.

(a) (1) The holder of a license authorizing operation of a production or utilization facility may (i) make changes in the facility as described in the safety analysis report, (ii) make changes in the procedures as described in the safety analysis report, and (iii) conduct tests or experiments not described in the safety analysis report, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety ques-



tion. (2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (ii) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (iii) if the margin of safety as defined in the basis for any technical specification is reduced.

(b) The licensee shall maintain records of changes in the facility and of changes in procedures made pursuant to this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report or constitute changes in procedures as described in the safety analysis report. The licensee shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test or experiment does not involve an unreviewed safety question. The licensee shall furnish to the Commission, annually or at such shorter intervals as may be specified in the license, a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each. Any report submitted by a licensee pursuant to this paragraph will be made a part of the public record of the licensing proceeding. In addition to a signed original, 39 copies of each report of changes in a facility of the type described in §§ 50.21(b) or 50.22 or a testing facility, and 12 copies of each report of changes in any other facility, shall be filed.

(c) The holder of a license authorizing operation of a production or utilization facility who desires (1) a change in technical specifications or (2) to make a change in the facility or the procedures described in the safety analysis report or to conduct tests or experiments not described in the safety analysis report, which involve an unreviewed safety question or a change in technical specifications, shall submit an application for amendment of his license pursuant to § 50.90.

3. A sentence would be added at the end of § 50.91 to read as follows:

**§ 50.91 Issuance of amendment.**

\*\*\* In determining whether an amendment to a license or construction permit will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of initial licenses or construction permits, to the extent applicable and appropriate. If the application involves the material alteration of a licensed facility, a construction permit will be issued prior to the issuance of the amendment to the license. If the amendment involves a significant hazards consideration, the Commission will give notice of its proposed

action pursuant to § 2.105 of this chapter before acting thereon. The notice will be issued as soon as practicable after the application has been docketed.

4. Paragraph (a) of § 115.46 would be amended to read as follows:

**§ 115.46 Hearings and report of the Advisory Committee on Reactor Safeguards.**

(a) Each application for an authorization to construct or operate a nuclear reactor subject to this part shall be referred to the Advisory Committee on Reactor Safeguards for a review and report. An application for an amendment to such a construction authorization or operating authorization may be referred to the Advisory Committee on Reactor Safeguards for review and report. Any report shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure.

5. Section 115.47 would be revised to read as follows:

**§ 115.47 Changes, tests and experiments.**

(a) (1) The holder of an operating authorization may (i) make changes in the facility as described in the safety analysis report, (ii) make changes in the procedures as described in the safety analysis report, and (iii) conduct tests and experiments not described in the safety analysis report, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question.

(2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (ii) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (iii) if the margin of safety as defined in the basis for any technical specification is reduced.

(b) The holder of the authorization shall maintain records of changes in the facility and of changes in procedures made pursuant to paragraph (a) of this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report or constitute changes in procedures described in the safety analysis report. The holder of the authorization shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test or experiment does not involve an unreviewed safety question. The holder of the authorization shall furnish to the Commission, annually or at such shorter intervals as may

be specified in the authorization, a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each. Any report submitted by a holder of an authorization pursuant to this paragraph will be made a part of the public record of the authorization proceeding. In addition to a signed original 39 copies of each report shall be filed.

(c) The holder of an authorization who desires a change in technical specifications or who desires to make a change in the facility or the procedures described in the safety analysis report, or conduct tests or experiments not described in the safety analysis report, which involve an unreviewed safety question or a change in technical specifications, shall submit an application for amendment of his authorization pursuant to § 115.60.

6. Section 115.61 would be revised to read as follows:

**§ 115.61 Issuance of amendment.**

In determining whether an amendment to an authorization will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of authorizations, to the extent applicable and appropriate. If the application involves the material alteration of a nuclear reactor, a construction authorization will be issued prior to issuance of the amendment to the authorization. If the amendment involves a significant hazards consideration, the Commission will give notice of its proposed action pursuant to § 2.105 of this chapter before acting thereon. The notice will be issued as soon as practicable after the application has been docketed.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 2, 3, Pub. Law 87-615, 79 Stat. 409; 42 U.S.C. 2232, 2239.)

Dated at Germantown, Maryland this 16th day of August 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,  
Secretary of the Commission.

[FR Doc. 73-17750 Filed 8-23-73; 8:45 am]

**COST OF LIVING COUNCIL**

**[ 6 CFR Part 150 ]**

**STAGE B FOR FOOD**

**Notice of Proposed Rulemaking**

**INTRODUCTION**

In Executive Order 11730, July 18, 1973, President Nixon directed that the freeze on food prices be removed in a two-stage process which would re-establish a flexible controls system. Stage A, which became effective on July 18, 1973, and which continues in effect until September 12, 1973, provides a means by which the food industry can charge prices above the general freeze or meat ceiling price levels in order to pass through on a dollar-for-dollar basis increases in costs of agricultural products.



Stage B, which is to become effective on September 12, 1973, will complete the transition of the food industry from Phase III to Phase IV of the Economic Stabilization Program. The freeze on beef prices also ends on September 12, 1973.

The purpose of this notice of proposed rulemaking is to elicit public comment on the Cost of Living Council's proposed "Stage B" price rules for the food industry. These are set forth in a proposed Subpart Q to the Phase IV regulations. Interested persons are invited to participate by submitting written data, views, or comments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508. Submissions should be identified with the designation "Stage B Food Regulations" and comments should be organized either on a section-by-section or issue-by-issue basis, with only one section or issue discussed on a page. At least 10 copies should be submitted. All comments received by noon on September 4, 1973, will be considered by the Council before taking final action on the proposed regulations, and the proposed regulations may be changed in light of the comments received. All comments received in response to this notice will be available for examination and copying by interested persons during the hours 9:00 a.m. to 5:00 p.m., Monday through Friday, at the Council's Press Room at the above address.

In promulgating the "Stage A" food regulations, the Council stated that on September 12, 1973, the food industry will become subject to regulations similar to the Phase IV controls applied to the wholesale, retail, service and industrial sectors. The proposed "Stage B" food regulations as set forth herein are essentially the same as the Phase IV regulations now in effect, except that a gross margin rule is proposed for the food manufacturing sector. This rule and other significant differences are outlined below.

#### FOOD WHOLESALING AND RETAILING

With respect to food wholesaling and food retailing, the proposed regulations adopt the Phase IV, Subpart K regulations applicable to wholesaling and retailing. (Subpart K essentially permits a firm to apply the customary initial percentage markup (category basis) to cost of goods sold, or to realize a percentage gross margin (category basis) on cost of goods sold, which does not exceed the base period markup or margin. The profit margin rules apply if a price above the adjusted freeze price is charged.) However, firms engaged in food retailing are provided the option under the proposed regulations of choosing either one of the last two fiscal years which ended prior to February 5, 1973, for purposes of establishing a pricing base period. The Subpart K option with respect to the pricing base period is restricted to the last fiscal year ending prior to February 5, 1973, or the last four fiscal quarters

ending prior to February 5, 1973. This modification is proposed in view of the exceptionally low level of profitability which prevailed in 1972 among food retailers.

In addition, the proposed regulations redefine "adjusted freeze price" for purposes of food wholesaling and food retailing to take into account prices charged in excess of the freeze price pursuant to the "Stage A" rules.

#### FOOD SERVICE ACTIVITIES

Food service activities are made subject to Subpart E of the Phase IV regulations ("Manufacturing and Service Activities"). This will permit dollar-for-dollar passthrough of all net allowable cost increases, including not only increases in cost of raw agricultural products but also increases in cost of labor and other costs.

Firms engaged in food service activities are permitted under the proposed regulations to compute an "adjusted freeze price" which takes into account prices charged in excess of the freeze price pursuant to the "Stage A" rules.

The proposed regulations waive the prenotification requirement with respect to food service activities. There are only a handful of price category I food service organizations, and the Phase IV rules (unlike those in Phase II) require all price category I firms to report their price increases on a quarterly basis. Moreover, the large restaurant and "fast food" chains, although classified as food service organizations, have some of the characteristics of a retail business, and retail activities have never been subject to prenotification requirements.

#### FOOD MANUFACTURING

Food manufacturing activities are subject under the proposed regulations to a gross margin rule with respect to food raw materials on a product line basis. This is similar to the gross margin rule to which firms engaged in the slaughtering and processing of livestock or the manufacturing of meat items were subject under § 130.57(d) of the Phase III rules prior to July 18, 1973. Cost increases with respect to costs other than food raw material costs are subject to prenotification and cost-justification.

Under the gross margin rule, increases and decreases in food raw material costs (costs which often fluctuate more than others) can be passed through on a dollar-for-dollar basis without the need for prenotification and "volatile" pricing authorization. Pricing is controlled not on the basis of the base price of a unit plus cost but on the basis of total revenues for the product line concerned in the current month. Total revenues may not exceed an amount derived under a formula which takes into account (1) the food raw material costs during the current month, (2) the base period gross margin rate (revenues less food raw material costs divided by volume) at the volume of food raw material units during the current month, and (3) the net allowable cost increases with respect to

costs other than food raw material costs during the current month on a dollar-for-dollar basis.

The base period for gross margin purposes remains the same for meat manufacturers as in Phase III—any four consecutive fiscal quarters which began after May 25, 1970, and which ended prior to May 11, 1973. For other food manufacturers, the base period is any four consecutive fiscal quarters of the eight fiscal quarters which ended prior to September 12, 1973. However, for purposes of measuring net increases in allowable costs other than food raw material costs the base cost period is the quarter which next follows the four consecutive quarters selected by the firm concerned for gross margin purposes.

Increases in costs other than food raw materials costs are subject to prenotification (price category I firms only) and the rules contained in Subpart E of the Phase IV regulations. The profit margin rule applies when any price is charged which exceeds the adjusted freeze price, but the adjusted freeze price is computed in such a way as to take into account prices charged in excess of the freeze price pursuant to the "Stage A" rules.

Compliance with the gross margin rule is tested on a monthly basis after submission of an initial report which determines the base period gross margin for each product line involved, whether an input or output basis was used, which four consecutive fiscal quarters were selected for the base period and other information.

The maximum permissible sales revenues under the gross margin formula may be exceeded only if the firm concerned can demonstrate, to the satisfaction of the Council, that the excess is justified on the basis of seasonal patterns or is attributable to revenues derived from the sale of exempt items or from allowable prices under certain contracts as provided in § 150.76 of the Phase IV regulations. An exception may be requested if an excess results from unforeseen change in product mix.

A firm which derives both less than 20 percent of its annual sales or revenues from food manufacturing and less than \$50 million of annual sales or revenues from food manufacturing may elect to price with respect to food manufacturing activities entirely in accordance with the Subpart E rules or under the proposed gross margin rule.

The proposed regulations also republish the Phase II rules respecting regulated milk and milk products. Those rules are modified, however, to apply the gross margin concept of control. Similarly, the rules for marketing cooperatives and market risk-sharing transactions are made subject to the gross margin control under the proposed regulations.

In consideration of the foregoing, it is proposed to amend Part 150 of Title 6, Code of Federal Regulations, as set forth below, effective 11:59 p.m., e.s.t., September 11, 1973.



(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14; 38 FR 1489)

Issued in Washington, D.C., on August 22, 1973.

JOHN T. DUNLOP,  
Director, Cost of Living Council.

1. The table of sections is amended by adding the following items regarding Subpart Q:

**Subpart Q—Food Industry**

- Sec.
- 150.601 Purpose and scope.
  - 150.602 Applicability.
  - 150.603 Definitions.
  - 150.604 Food wholesaling and retailing.
  - 150.605 Food service activities.
  - 150.606 Food manufacturing: Gross margin for food raw materials.
  - 150.607 Food manufacturing: Other pricing rules.
  - 150.608 Regulated milk and milk products.
  - 150.609 Marketing cooperatives and market risk-sharing transactions.

2. The part is amended by adding a new Subpart Q to read as follows:

**Subpart Q—Food Industry**

**§ 150.601 Purpose and scope.**

This subpart provides the "Stage B" price rules whereby the food industry completes the transition from Phase III to Phase IV of the Economic Stabilization Program. This subpart supersedes Subparts F and M of Part 130 and Subpart I of Part 140 of this title effective 11:59 p.m., e.s.t., September 11, 1973. To the extent that this subpart may be inconsistent with any other provisions of this part, the provisions of this subpart govern.

**§ 150.602 Applicability.**

This subpart applies to all firms engaged in food manufacturing, food service activities, food wholesaling and food retailing.

**§ 150.603 Definitions.**

For purposes of this subpart—

"Adjusted freeze price" means:

(1) With respect to food subject to Subpart I of Part 140, the adjusted freeze price as defined in Subpart E of this part, except that in the case of an item priced in excess of the freeze price of that item pursuant to the Stage A rules for food provided in Part 140 of this chapter, the adjusted freeze price of that item is the last price lawfully charged for that item prior to the effective date of this subpart; or

(2) With respect to meat subject to Subpart M of Part 130:

(a) The ceiling price as defined in § 130.123 of this chapter;

(b) In the case of an imported meat item priced in accordance with § 130.121 of this chapter, the highest price lawfully charged for that item before September 12, 1973;

(c) In the case of a meat item priced in accordance with § 130.127 or § 130.128 of this chapter, the highest price lawfully charged for that item before September 12, 1973; and

(d) In the case of a meat item priced in accordance with an exception granted pursuant to the provisions of Part 130 of this chapter, the highest price lawfully charged for that item before September 12, 1973.

"Base period" means:

(1) With respect to the slaughtering and processing of livestock or the manufacturing of meat products, any four consecutive fiscal quarters, at the option of the firm concerned, which began after May 25, 1970, and which ended prior to May 11, 1973; and

(2) With respect to all other food manufacturing activities, any four consecutive fiscal quarters, at the option of the firm concerned, of the eight fiscal quarters which ended prior to September 12, 1973.

"Base period conversion cost rate" means the difference between (1) total sales revenues for a product line during the base period and (2) the total food raw material costs plus the operating profit for that product line during the base period, divided by the volume of food raw material units for that product line during the base period. This computation is illustrated by the following equation:

$$B = \frac{R - (P + M)}{V}$$

Where

B=base period conversion cost rate.

R=total sales revenues during the base period.

M=food raw material costs during the base period.

P=operating profit during the base period.

V=volume of food raw material units during the base period.

"Base period gross margin rate" means the total operating profit for the product line concerned during the base period divided by the volume of food raw material units during the base period.

"Conversion costs" means total sales revenues less the sum of operating profit and food raw material costs.

"Conversion cost increase" means the difference between the conversion costs during the base cost period (as defined in § 150.607(b)(2)) and the conversion costs in the current cost period (as defined in Subpart G of this part), expressed as a percentage of the conversion costs in the base cost period.

"Food" means (1) items which are manufactured for human or animal ingestion except alcoholic beverages, tobacco products, or drugs, and

(2) items which are not manufactured for human or animal ingestion but which as byproducts of food raw materials are required by this section to be treated as food for purposes of this section.

"Food manufacturing" means the trade or business of preparing, processing, making, fabricating or assembling a food item by manual labor or machinery for sale and includes the slaughtering and processing of livestock.

"Food raw material" means, in the form in which they are received, raw, semi-processed or processed agricultural

and marine products, including crops, livestock, poultry and catch from fresh water and the sea, and other edible products such as flavorings and preservatives, which are incorporated into the food item concerned.

"Food raw material costs" means the dollar amount, calculated in accordance with the customary accounting practice of the firm with respect to the product line concerned, derived from adding the total cost of inventory of food raw material on the first day of the period concerned and the total cost of food raw material purchased during that period, and subtracting from that sum the total cost of food raw material remaining in inventory of the first day after the period concerned.

"Food raw material units" means, at the option of the firm concerned and calculated in accordance with its customary accounting practice, either:

(1) The total units of food raw material in inventory on the first day of the period concerned, plus the total units of food raw material purchased during the period concerned, less the total units of food raw material remaining in inventory on the first day after the period concerned (input basis); or

(2) The total units of food sold during the period concerned (output basis).

"Meat" means food of the following description:

(1) Any "Meat", as defined in 9 CFR 301.2(tt); and

(2) Any "Meat byproduct", as defined in 9 CFR 301.2(uu); and

(3) Any "Meat food product", as defined in 9 CFR 301.2(vv).

"Product line" means (1) with respect to the slaughtering and processing of livestock or the manufacturing of meat products, (i) a product or (ii) an aggregation of products categorized by a four-digit Standard Industrial Classification (SIC) code if that is the customary pricing unit (e.g., cost or profit center) with respect to that aggregation of products. An aggregation of products which includes more than one four-digit SIC code or an aggregation of products of less than one four-digit SIC code may be used provided the level of aggregation reflects the entity's customary pricing unit (e.g., cost or profit center) with respect to that level of aggregation chosen.

(2) With respect to all other food manufacturing activities (i) a product or (ii) an aggregation of products categorized by a four-digit Standard Industrial Classification (SIC) code if that is the customary pricing unit (e.g., cost or profit center) with respect to that aggregation of products. An aggregation of products of less than one four-digit SIC code (but not more than one four-digit SIC code) may be used provided the level of aggregation reflects the customary pricing unit (e.g., cost or profit center) with respect to that level of aggregation chosen.

"Total sales revenues" means the aggregate revenue from the sale of food.



### § 150.604 Food wholesaling and retailing.

(a) *General Rule.*—Except as provided in paragraph (b) of this section, Subpart K of this part applies to the wholesaling and retailing activities of firms subject to this subpart.

(b) *Subpart K modifications.*—(1) A firm engaged in food retailing and which derives 75 percent or more of its annual sales or revenues from retail food sales may, at its option, use as a pricing base period either one of the last two fiscal years which ended prior to February 5, 1973, and may apply the pricing base period chosen to both its food and nonfood retail activities.

(2) "Adjusted freeze price" means adjusted freeze price as defined in § 150.603.

### § 150.605 Food service activities.

(a) *General rule.*—Except as provided in paragraph (b) of this section, Subpart E of this part applies to the food service activities of firms subject to this subpart.

(b) *Subpart E modifications.*—"Adjusted freeze price" means adjusted freeze price as defined in § 150.603 of this subpart.

(c) *Prenotification.*—Section 150.151 does not apply with respect to the food service activities of firms subject to this subpart.

### § 150.606 Food manufacturing: Gross margin for food raw materials.

(a) *Purpose and scope.*—The purpose of this section is to apply to food manufacturing activities, on a product line basis, a gross margin rule of the type previously applicable only to firms engaged in the slaughtering and processing of livestock or the manufacturing of meat items. Except as provided in paragraph (b) of this section, the gross margin rule is applicable with respect to all food manufacturing activities. Under the gross margin rule, increases and decreases in food raw material costs (costs which generally fluctuate significantly) can be passed through on a dollar-for-dollar basis without prenotification and without "volatile" pricing authorization. Price increases to recover net allowable increases in costs other than food raw material costs are subject to Subpart E of this part as modified by § 150.607.

(b) *Applicability.*—This section applies to the food manufacturing activities of all firms, except that a firm which both derives less than 20 percent of its annual sales or revenues from food manufacturing and less than \$50 million of annual sales or revenue from food manufacturing may elect to price with respect to its food manufacturing activities in accordance with this section or in accordance with Subpart E of this part. A firm engaged in food manufacturing which also produces non-food by-products of food raw materials, such as leather, tallow, and industrial oils, shall treat those by-products as food items for purposes of this section.

(c) *Gross margin rules.*—(1) Except as provided in paragraph (c) (2) of this section, any price may be charged with

respect to any item as long as total sales revenues for a product line for any accounting month ending after September 11, 1973, do not exceed the amount derived by (i) multiplying the base period conversion cost rate for that product line by the volume of food raw material units for that product line in the accounting month concerned, (ii) multiplying the product in (i) by the conversion cost increase for that product line plus 100 percent and (iii) adding to the product in (ii) the food raw material costs for that product line in the accounting month concerned plus the base period gross margin rate for that product line times the volume of food raw material units for that product line in the accounting month concerned. This computation is illustrated by the following equation:

$$R = (B \times V) (C + 100\%) + M + (P \times V)$$

Where:

R = total sales revenues for the accounting month concerned

B = base period conversion cost rate

V = volume of food raw material units during the accounting month concerned

C = conversion cost increase

M = food raw material costs during the accounting month concerned

P = base period gross margin rate

(2) (i) Sales revenues for any accounting month may exceed the total sales revenues calculated in accordance with paragraph (c) (1) of this section only if the firm concerned demonstrates, to the satisfaction of the Council, that the excess is justified on the basis of seasonal patterns or is attributable to revenues derived from the sale of exempt items or from allowable prices pursuant to § 150.76.

(ii) Total sales revenues in any product line in the accounting month which includes September 11, 1973, may exceed the amount specified in paragraph (c) (1) of this section. However, total sales revenues in any product line in the next succeeding accounting month may not exceed the amount specified in paragraph (c) (1) of this section less the amount of revenue excess experienced in the accounting month which includes September 11, 1973, which is not justifiable on the basis of seasonal patterns or attributable to revenues derived from the sale of exempt items or from allowable prices pursuant to § 150.76.

(3) (i) Notwithstanding paragraph (c) (1) and (2) of this section, a firm subject to this section which charges a price for any item in excess of the adjusted freeze price for that item may not, for the fiscal year in which that price is charged, exceed its base period profit margin as defined in § 150.31.

(ii) The Council shall excuse a profit margin excess for any fiscal year to the extent that the firm concerned demonstrates, to the satisfaction of the Council, that the excess is attributable to the sale of exempt items or to the charging of allowable prices pursuant to § 150.76.

(4) (i) Food raw material purchased and resold without change in form may be excluded in computing the base period

conversion cost rate. Food raw material purchased and resold without change in form shall be excluded in computing food raw material units and food raw material costs for any accounting month ending after September 11, 1973.

(ii) The cost of freight and insurance in connection with the purchase of food raw material ("freight-in") may either be included in or excluded from food raw material costs during the base period but the treatment of "freight-in" shall be consistent as between the base period and each accounting month ending after September 11, 1973. The cost of freight and insurance in connection with food sales ("freight-out") may either be included in or excluded from food sales revenues during the base period but the treatment of "freight-out" shall be consistent as between the base period and each accounting month ending after September 11, 1973.

(iii) A firm which uses the futures markets in a non-speculative manner to hedge against price risks may include as a food raw material cost during the base period any net loss as a result of non-speculative hedging activities with respect to the food raw material concerned during the base period, and may include as an offset to food raw material costs any net gain as a result of non-speculative hedging activities with respect to the food raw material concerned during the base period. Similarly, any net hedging losses by that firm with respect to food markets during the base period may be included as an offset to total sales revenues during the base period and any net hedging gains by that firm with respect to food markets during the base period may be included in total sales revenues during the base period. However, a firm which includes any net loss pursuant to the preceding two sentences shall include as an offset any net gain as a result of non-speculative hedging activities in accordance with the preceding two sentences. Any net hedging losses with respect to the food raw material concerned during the accounting month concerned may be included as a food raw material cost for the fiscal quarter concerned and any net hedging gains with respect to the food raw material concerned during the accounting month concerned shall be included as an offset to food raw material costs for the fiscal quarter concerned. Any net hedging losses with respect to the food market concerned during the accounting month concerned may be included as a food raw material cost for the accounting month concerned and any net hedging gains with respect to the food market concerned during the accounting month concerned shall be included as an offset to food raw material costs for the accounting month concerned.

(5) For purposes of the gross margin rule, the base period with respect to a new product line shall be the accounting month following the month in which the first sale occurs. The gross margin rules of this section apply with respect to that new product line beginning with the first day after the base period. However,



if a firm acquires another firm, the base period conversion cost rate established by the acquired firm with respect to each of its product lines shall remain the base period conversion cost rate of each of those product lines and the gross margin rules of paragraph (c) of this section apply with respect to each of those product lines immediately upon acquisition.

(d) *Options and business practices.*—(1) The exercise of the options with regard to the use of the gross margin rule, the determination of the base period, the exclusion of certain food raw materials in the computation of the base period conversion cost rate, and the method of calculating food raw material units shall be made as follows:

(i) In the case of a price category I or II firm, the option selected in each case shall be set forth in the initial report submitted to the Council pursuant to paragraph (e) of this section; and

(ii) In the case of a price category III firm, the option selected in each case shall be recorded in a document placed among the firm's records.

No change in the exercise of any of these options may be made without the prior written approval of the Council or the Internal Revenue Service.

(2) Any calculations made pursuant to this section must be reconciled with any change in customary business practices adopted and implemented by the firm.

(e) *Reporting and recordkeeping.* (1) *Initial report.*—Each price category I and II firm to which this section applies shall submit to the Cost of Living Council within 15 days of the effective date of this section an initial report which provides the following information:

(i) A description of the product lines of the firm and related four-digit SIC codes;

(ii) Information which demonstrates how the gross margin was calculated for each product line;

(iii) A statement as to whether an input or output basis was used in calculating food raw material costs;

(iv) The nature of the food raw materials included in the computation of each base period conversion cost rate;

(v) The four consecutive fiscal quarters selected for the base period;

(vi) A statement as to whether certain food raw materials were excluded from the computation of each base period conversion cost rate pursuant to paragraph (c) (4) (i) of this section.

(2) *Monthly report.*—Each price category I and II firm to which this section applies shall submit monthly reports with information on costs, sales and profits in accordance with forms and instructions issued by the Council. A monthly report shall be submitted within 30 days after the close of each accounting month.

(3) *Recordkeeping.*—Each price category III firm to which this section applies shall prepare and maintain at its principal place of business sufficient records to determine compliance with this section.

#### § 150.607 Food manufacturing: Other pricing rules.

(a) *General rule.*—Except as provided in paragraphs (b) and (c) of this section, and in § 150.606, Subpart E of this part applies to the manufacturing activities of firms subject to this section.

(b) *Subpart E modifications for firms using gross margin rules.*—(1) Food raw materials may not be used as allowable costs for purposes of price adjustments pursuant to Subpart E of this part.

(2) The base cost period is the next succeeding fiscal quarter following the base period as defined in § 150.603 in which costs other than food raw materials costs were incurred with respect to the product line concerned. The base cost period with respect to a new product is the fiscal quarter for which the new product concerned was first sold in arms-length trading between unrelated persons.

(3) Calculation of costs other than food raw material costs shall be made on the same basis (input or output) used in calculating food raw material units pursuant to § 150.603.

(4) "Product" is a product line as defined in § 150.603.

(5) The price of an item which qualifies as a "new product" pursuant to § 150.103, or as "custom product" pursuant to § 150.104, shall be determined in accordance with the rules for determining base price provided in those sections, subject to the limitation that the total sales revenues for the product line within which the new product or custom product falls may not, for any accounting month, exceed the amount prescribed under the gross margin rules in § 150.606 (c).

(6) "Adjusted freeze price" means adjusted freeze price as defined in § 150.603.

(c) *Subpart E modifications for other firms.*—Subpart E of this title applies with respect to the food manufacturing activities of firms which elect pursuant to § 150.606 (b) to price in accordance with that subpart, except that "adjusted freeze price" means adjusted freeze price as defined in § 150.603.

#### § 150.608 Regulated milk and milk products.

(a) *Definitions.*—For purposes of this section:

"Regulated milk and milk products" means milk and milk products with respect to which the minimum price is established or the minimum and maximum prices are established by a regulatory agency.

"Regulatory agency" means any commission, board, or other legal body established in any State or the District of Columbia, which has jurisdiction to order increases, or reductions, or both, in the prices charged for fluid milk and milk products.

"Milk and milk products" includes fluid milk (other than raw milk), low-fat milk, nonfat (skim) milk, buttermilk, cream, half-and-half, chocolate milk, and cottage cheese.

"Regulated seller of milk and milk products" means any seller of milk and

milk products whose minimum selling prices are fixed by a regulatory agency and includes a firm engaged in processing, distributing, wholesaling, or retailing.

(b) *General rule.*—Notwithstanding any other provision of this part, but subject to paragraph (c) of this section, a regulated seller of milk and milk products may charge any price with respect to any item if that price has been approved as a minimum price by a regulatory agency. A regulated seller of a fluid milk and milk products which is a pre-notification firm, whose minimum prices for such products to its customers are established by that regulatory agency, may sell milk and milk products at the minimums so established without pre-notifying.

(c) *Report by regulatory agency.*—A regulatory agency which establishes minimum prices for sellers of milk and milk products must furnish to the Council at least 15 days before the proposed increases are to be effective—

(1) A statement of the types of price increases subject to its jurisdiction and generally describing the method used for establishing prices;

(2) A certification as to each price increase it approves (in the order granting the increase or in a separate document) of the following:

(i) The former price, the date it was established, the new price, the percentage increase, and the proposed effective date of the new price;

(ii) That the increase is the minimum required to assure a continued, adequate supply of pure and wholesome milk and milk products; and

(iii) That, excluding price increases paid for raw milk (which is exempt from this title) and partially processed products made therefrom, the increases established by the regulatory agency will not result in total sales revenues which exceed the amount permitted under § 150.606 (c).

(d) *Industry averages.*—If a price increase by the regulatory agency is premised on cost or other data compiled on the basis of industry averages or samples of the industry which it regulates, compliance with § 150.606 (c) may be based on that industry data. However, the Council reserves the right to require the regulatory agency to submit, or to require any regulated seller of milk and milk products to provide, any additional information that the Council considers relevant, including requesting the regulatory agency to obtain from the industry or the same sample on which its increases were predicated, the following information:

(1) For processors—the base period profit margin and the profit margin in a period reflecting the new prices; or

(2) For wholesalers or retailers—the customary initial percentage markup applied during the pricing base period; the percentage markup reflected by the allowed price increases; the gross margin realized during the pricing base period; the gross margin realized by the allowed price increases; the profit margin in the



base period, and the profit margin in the period reflecting the new prices.

(e) *Effective date of price increases.*—At any time within 10 days after receiving a report under paragraph (c) of this section the Council may take any action provided in paragraph (f) of this section, or it may take no action in which case the price increases permitted by this section may become effective on the date specified in the regulatory agency order.

(f) *Council actions.*—With respect to any price increase permitted by this section, the Council may—

(1) Require the regulatory agency to furnish additional information concerning the increase;

(2) Delay the effective date of the increase pending further Council action, but not for longer than 15 days after receiving the additional information requested under paragraph (f) (1) of this section;

(3) Suspend all or part of the increase pending further action by the Council or the regulatory agency; or

(4) Approve, reject, limit, rescind, reduce, or modify the increase.

#### § 150.609 Marketing cooperatives and market risk-sharing transactions.

(a) A marketing cooperative as defined in § 150.204(b) is subject to the operations of the gross margin rule in § 150.605 with respect to its food manufacturing activities. For purposes of computing food raw material costs, marketing cooperatives shall use the imputed allowable costs determined in accordance with § 150.204(d).

(b) Firms which are engaged in market risk-sharing transactions as defined in § 150.204(b), and which are not otherwise marketing cooperatives as defined in § 150.204(b) shall treat such transactions as a separate product line. For purposes of computing raw material costs, such firms shall use the imputed allowable costs determined in accordance with § 150.204(d).

[FR Doc. 73-18045 Filed 8-22-73; 11:45 am]

### FEDERAL RESERVE SYSTEM

#### [ 12 CFR Part 225 ]

[Reg. Y]

#### BANK HOLDING COMPANIES

##### Application To Acquire Company Engaged in the Operation of a Savings and Loan Association and Possible Rulemaking With Respect Thereto

The Board of Governors has received the following application filed pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR 225.4(b) (2)) for prior approval to acquire shares of a company engaged in the operation of a savings and loan association:

American Fletcher Corporation, Indianapolis, Indiana, has applied to acquire voting shares of Southwest Savings and Loan Association, Phoenix, Arizona.

The activity of operating a savings and loan association has not heretofore

been found by the Board to be closely related to banking. Applicant states that the proposed activity essentially involves the receipt of deposits and extension of credit, and is, in Applicant's opinion, closely related to banking. The Board therefore publishes this notice pursuant to § 225.4(a) of Regulation Y.

In connection with this application, the Board will also consider possible rulemaking to add the proposed activity to the list of activities the Board has previously determined to be closely related to banking. In its deliberations on the activity proposed in the present application and the proposed rulemaking related thereto, the Board will also consider possible imposition of certain restrictions and requirements upon bank holding company entry into the proposed activity. Among the possible restrictions and requirements the Board will consider are that: (1) the proposed subsidiary may not operate in any geographic market in which any banking subsidiary of the holding company system of which it would be a member operates and (2) a bank holding company would not be permitted to operate more than one savings and loan association.

Interested persons may express their views on the question of whether the operation of a savings and loan association is so closely related to banking or managing or controlling banks as to be a proper incident thereto, and on the restrictions which are being considered in connection with the proposed activity and on any other appropriate restrictions.

Interested persons may also express their views on the question of whether consummation of the subject proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

In order to explore these issues, the Board has directed that an oral presentation be held before available members of the Board in the Board Room of its building on 20th Street and Constitution Avenue, NW., Washington, D.C. commencing at 10:00 a.m. on October 30, 1973. Interested persons are invited to participate by presenting their views on all issues raised by the pending proposal. Interested persons need not participate in the oral presentation to have their views considered, and may do so by written comment. Written comments as they are received will be made available for inspection and copying in Room 1020 of the Board's building, 20th Street and Constitution Avenue, NW., Washington, D.C. The application may be inspected and copied at the offices of the Board of Governors or at any of the Federal Reserve Banks.

Any requests to participate orally in the hearing should be submitted in writing accompanied, if possible, by a brief

summary of the proposed testimony, and should be received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 1, 1973. Each person orally participating in the hearing would normally be expected to limit their presentation to thirty minutes. Anyone wishing to submit written comments on this matter, on testimony received at the oral presentation, or on other comments received by the Board may do so at any time before the close of business November 30, 1973.

By order of the Board of Governors,  
effective August 20, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc. 73-17987 Filed 8-23-73; 8:45 am]

### SMALL BUSINESS ADMINISTRATION

#### [ 13 CFR Part 121 ]

#### SMALL BUSINESS SIZE STANDARDS

##### Definitions of Small Business for Services Including Services Requiring Use of Helicopters or Fixed Wing Aircraft

In the following notice, the Small Business Administration proposes to revise the definitions of a small business applicable to services for which no specific definition is provided, so as to make such definitions applicable to any service not elsewhere defined, rather than being applicable only to services set forth in Division I, *Services*, of the Standard Industrial Classification Manual. It also proposes to establish a \$1.5 million average annual receipts size standard for the purpose of Government procurements for services requiring the utilization of helicopters or fixed wing aircraft.

For several years the definition, in § 121.3-8(e) of the Small Business Size Standards Regulation (Part 121 of Chapter I of Title 13 of the Code of Federal Regulations), of a small business for the purpose of bidding on a Government contract for services not elsewhere defined in § 121.3-8(e), was considered to apply to any type of service for which no specific definition was set forth in the regulation. However, several months ago, the Small Business Size Appeals Board determined that the term "services" as used in § 121.3-8(e), applies only to services set forth in Division I, *Services*, of the Standard Industrial Classification Manual, prepared and published by the Office of Management and Budget, Executive Office of the President.

Many kinds of services procured by the Government are not classified in Division I. For example, agricultural, forestry and fishing services are classified in Division A, *Agriculture, Forestry and Fishing*, and transportation, communications, electric, gas and sanitary services are classified in Division E, *Transportation, Communications, Electric, Gas and Sanitary Services*. Since the Small Business Administration has no specific definition for most of these services, they are subject to the catch-all 500-employee



size standard set forth in the first paragraph of § 121.3-8.

On May 20, 1971 the Small Business Administration published a notice in the FEDERAL REGISTER (36 FR 9144), that it proposed to establish a \$1 million annual receipts procurement size standard for SIC Industry No. 0851, Forestry Services. During the period allowed for public comment, it was argued that \$1 million in annual receipts was too low at least for the purpose of forestry services requiring the use of helicopters and fixed wing aircraft. Because of difficulty in obtaining data, we have had that issue under study for some time, but now have concluded that the proposed \$1 million is too low for the purpose of forestry services requiring the use of helicopter or fixed wing aircraft. Further, we have concluded that procurement and SBA loan size standards also should be adopted for all the other services not presently covered by § 121.3-8(e) or otherwise in § 121.3-8.

In view of the above, the notice published on May 30, 1971 is hereby rescinded and the following proposal made in lieu thereof:

It is hereby proposed to:

(1) Revise the first paragraph of § 121.3-8(e) of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

(e) *Services*.—Any concern bidding on a contract for services (including but not limited to services set forth in Division I, *Services*, of the Standard Industrial Classification Manual) not elsewhere defined in this section, is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed \$1 million.

(2) Revise the first clause of § 121.3-10(d) to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

(d) *Services*.—Any concern primarily engaged in a service industry (including but not limited to service industries set forth in Division I, *Services* of the Standard Industrial Classification Manual) is classified:

(3) Adding new § 121.3-8(h) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

(h) *Services*.—Any concern bidding on a contract for services requiring the use of one or more helicopters or fixed wing aircraft is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed \$1.5 million.

Interested persons may file with the Small Business Administration by September 24, 1973, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Director, Office of Industry Studies and Size Standards, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Dated: July 11, 1973.

THOMAS S. KLEPPE,  
Administrator.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Businesses.)

[FR Doc.73-17961 Filed 8-23-73;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

[ 7 CFR Part 1701 ]

### RURAL ELECTRIFICATION PROGRAM

#### Estimates of Borrowers Power Requirements

Notice is hereby given that, pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 120-1, Estimates of Consumption and Power Requirements. A general revision of this bulletin is contemplated to provide that all REA electrification borrowers shall be responsible for preparing and updating estimates of their future power requirements used for system planning and financing purposes. The bulletin will be retitled as "Development, Approval and Use of Power Requirement Studies."

Persons interested in the proposed revision of REA Bulletin 120-1 may submit written data, views or comments to the Power Survey Officer, Office of Assistant Administrator-Electric, Room 3361, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 24, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Power Survey Officer during regular business hours.

A copy of the proposed revision of REA Bulletin 120-1 may be secured in person or by mail from the Office of the Power Survey Officer.

A summary of the principal changes planned to be made in REA Bulletin 120-1 are as follows:

1. All REA electric borrowers and power-type groups are to be responsible for developing and maintaining up-to-date forecasts of estimated power requirements for their systems to be used for system planning and financing purposes. The estimates would be subject to REA approval.

2. Certifications of future kWh consumption for individual distribution borrowers will no longer be made by REA.

3. The borrowers' forecasts are to be revised and updated at least every three years instead of every two years.

4. Specific provision is made for coordination between the power-type organizations and their member distribution systems in the preparation of power requirements studies.

5. Specific guidelines and instructions for preparation and coordination of the power requirements studies by borrowers are included as part of the bulletin.

Dated: August 16, 1973.

GEORGE P. HERZOG,  
Acting Administrator.

[FR Doc.73-18011 Filed 8-23-73;8:45 am]

### Agricultural Marketing Service

[ 7 CFR PARTS 1062, 1001, 1002, 1004, 1006, 1007, 1011, 1012, 1013, 1015, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1060, 1061, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1104, 1106, 1108, 1120, 1121, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, and 1139 ]

[Docket No. AO-10-A47, etc.]

### MILK IN THE ST. LOUIS-OZARKS AND CERTAIN OTHER MARKETING AREAS

#### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1062	St. Louis-Ozarks	AO-10-A47.
1001	Boston Regional	AO-14-A52.
1002	New York-New Jersey	AO-71-A66.
1004	Middle Atlantic	AO-160-A49.
1006	Upper Florida	AO-336-A11.
1007	Georgia	AO-336-A10.
1011	Appalachian	AO-281-A15.
1012	Tampa Bay	AO-347-A15.
1013	Southeastern Florida	AO-286-A33.
1015	Connecticut	AO-306-A30.
1030	Chicago Regional	AO-861-A10.
1032	Southern Illinois	AO-313-A24.
1033	Ohio Valley	AO-166-A43.
1036	Eastern Ohio-Western Pennsylvania	AO-179-A38.
1040	Southern Michigan	AO-226-A27.
1044	Michigan, Upper Peninsula	AO-269-A20.
1046	Louisville-Lexington-Evanville	AO-123-A40.
1049	Indiana	AO-319-A21.
1050	Central Illinois	AO-355-A18.
1060	Minnesota-North Dakota	AO-360-A5.
1061	Southeastern Minnesota-Northern Iowa (Dairyland)	AO-367-A7.
1063	Quad Cities-Dubuque	AO-105-A38.
1064	Greater Kansas City	AO-23-A45.
1065	Nebraska-Western Iowa	AO-96-A30.
1068	Minneapolis-St. Paul, Minn.	AO-178-A30.
1069	Duluth-Superior	AO-153-A21.
1070	Cedar Rapids-Iowa City	AO-229-A28.
1071	Neosho Valley	AO-227-A29.
1073	Wichita	AO-178-A30.
1075	Black Hills, S. Dak.	AO-248-A15.
1076	Eastern South Dakota	AO-260-A19.
1078	North Central Iowa	AO-272-A22.
1079	Des Moines, Iowa	AO-265-A27.
1090	Chattanooga, Tenn.	AO-266-A17.
1094	New Orleans, La.	AO-103-A35.
1096	Northern Louisiana	AO-235-A23.
1097	Memphis, Tenn.	AO-219-A38.
1098	Nashville, Tenn.	AO-184-A23.
1099	Paducah, Ky.	AO-183-A20.
1101	Knoxville, Tenn.	AO-195-A22.
1102	Forth Smith, Ark.	AO-237-A23.
1104	Red River Valley	AO-238-A22.
1106	Oklahoma Metropolitan	AO-210-A35.
1108	Central Arkansas	AO-243-A26.
1120	Lubbock-Plainview, Tex.	AO-328-A16.
1121	South Texas	AO-364-A7.
1122	Oregon-Washington	AO-368-A6.
1125	Puget Sound, Wash.	AO-236-A26.
1126	North Texas	AO-231-A40.
1127	San Antonio, Tex.	AO-232-A26.
1128	Central West Texas	AO-238-A29.
1129	Austin-Waco, Tex.	AO-256-A22.
1130	Corpus Christi, Tex.	AO-259-A26.
1131	Central Arizona	AO-271-A17.
1132	Texas Panhandle	AO-262-A25.
1133	Inland Empire	AO-275-A26.
1134	Western Colorado	AO-301-A14.
1136	Great Basin	AO-309-A19.
1137	Eastern Colorado	AO-326-A18.
1138	El Grande Valley	AO-328-A21.
1139	Lake Mead, Nevada	AO-374-A1.



Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Colony Hotel, 7730 Bonhomme Avenue, Clayton, Missouri, beginning at 9:00 a.m., central daylight time, on August 28, 1973, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions anticipated in the forthcoming fall and winter months.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions that relate to the appropriate level of Class I price to be established for the forthcoming fall and winter months under each of the aforesaid orders. Proponents of various price proposals, within the price range indicated by the proposals set forth below, point out that production throughout the country generally is progressively decreasing below the level of last year and, unless appropriate price adjustments are immediately initiated to provide assurance of returns sufficient to offset spiraling production costs, severe shortage in milk supplies will result.

Relevant to consideration of proposals for price increases at this time is the propriety of the operation of Class I base plans and other quota plans. Accordingly, evidence also will be received with re-

spect to the need for discontinuance, at least temporarily, of: (1) the existing Class I base plans now provided under the Georgia order (No. 7) and Puget Sound order (No. 125), and (2) any base or quota plan, including any operated outside of the orders, that may limit milk production by individual dairy farmers.

In addition, evidence will be received with respect to prospective "premium" (overorder) pricing arrangements during the forthcoming fall and winter months in each of the markets being considered as they might affect market price levels in conjunction with any amendments that might result from this hearing.

Evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in conjunction with any emergency amendatory actions that may result with respect to any of the aforesaid orders.

Proposal No. 1 contemplates price adjustments for each of the markets effective with respect to September deliveries. Since the remaining time obviously does not allow for consummation of amendatory action by September 1, evidence will be received with respect to the propriety of suspension action to establish Class I prices on and after September 1 on a more current basis relative to advancing manufacturing milk prices.

The proposed amendments set forth below have not received the approval of the Secretary of Agriculture.  
*All orders.*

**Proposal No. 1.**—Amend each of the respective orders to provide that prices currently being generated by the Minnesota-Wisconsin series shall be immediately applicable in determination of Class I prices.

**Proposal No. 2.**—Amend each of the respective orders to provide that the "late fall" basic formula price (Minnesota-Wisconsin pay price) shall be the minimum basic formula price for the period November 1973 through June 1974.

**Proposal No. 3.**—Amend each of the respective orders to increase the Class I price level within the range of \$2.00 a hundredweight.

**Proposal No. 4.**—Delete during the period of any emergency price adjustment effected, Class I base plans now provided under the Georgia order (No. 7) and Puget Sound order (No. 125).

**Proposal No. 5.**—Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on: August 23, 1973.

E. L. PETERSON,

Administrator,

Agricultural Marketing Service.

[FR Doc. 73-18167 Filed 8-23-73; 11:30 am]



# Notices

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

## DEPARTMENT OF STATE

### Agency for International Development HOUSING GUARANTY PROGRAM FOR MOROCCO

#### Information for Investors

The Agency for International Development (AID) has advised the Government of Morocco (the Borrower), that upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed \$10 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guaranty repayment to the investor of the principal and interest on such loan. The guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 221 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used to construct housing projects in Morocco.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. Abdelkrim Belkora  
Economic Counselor  
Embassy of Morocco  
1601 21st St. NW.  
Washington, D.C. 20009

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

The loan will be disbursed in approximately 36 months beginning on or about January 1, 1974. This disbursement schedule is approximate and will depend upon the progress of the housing projects.

To be eligible for a guaranty, the loan must be repayable in full no later than the 28th anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, room 300E, SA-2, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

Dated August 17, 1973.

DONALD A. GARDNER,  
*Acting Director of Housing,  
Agency for International Development.*

[FR Doc.73-17964 Filed 8-23-73;8:45 am]

### HOUSING GUARANTY PROGRAM FOR REPUBLIC OF NICARAGUA

#### Information for Investors

The Agency for International Development (AID) has advised Banco de la Vivienda de Nicaragua (the Borrower), an instrumentality of the Government of Nicaragua, that upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed \$15 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guaranty repayment to the investor of the principal and interest on such loan. The guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority, contained in section 222 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used to construct housing projects in Nicaragua.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. Fausto Zelaya  
Presidente  
Banco de la Vivienda de Nicaragua  
Apartado No. 553  
Managua, Nicaragua

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

The loan will be disbursed in approximately 30 months beginning on or about January 1, 1974. This disbursement schedule is approximate and will depend upon the progress of the housing projects.

To be eligible for a guaranty, the loan must be repayable in full no later than the 28th anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be

established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, room 300E, SA-2, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

Dated August 17, 1973.

PETER M. KIMM,  
*Director of Housing,  
Agency for International Development.*

[FR Doc.73-17965 Filed 8-23-73;8:45 am]

### MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID/INDONESIA

#### Delegation of Authority

Pursuant to Delegation of Authority, No. 5, dated December 29, 1961, as amended by Delegation of Authority, No. 94, dated February 1, 1972, I hereby delegate to the individuals listed above with respect to the country of Indonesia the authority to review and approve documents and other evidence submitted by borrowers in satisfaction of conditions precedent to financing under loan agreements for Commodity Import Programs.

This Delegation of Authority is effective immediately and includes ratification of all acts taken prior hereto by the officials which are consistent with the terms and scope of this Delegation of Authority.

Dated July 31, 1973.

A. D. WHITE,  
*Acting Assistant Administrator,  
Bureau for Asia.*

[FR Doc.73-17966 Filed 8-23-73;8:45 am]

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

### PAPERMAKING MACHINERY AND PARTS THEREOF FROM CANADA

#### Antidumping Proceeding Notice

On March 5, 1973, information was received in proper form pursuant to the provisions of §§ 153.26 and 153.27 of the Customs Regulations [19 CFR 153.26, 153.27] indicating a possibility that papermaking machinery and parts thereof from Canada, manufactured by or sold through a Canadian firm, are being, or



are likely to be, sold at less than fair value within the meaning of the Anti-dumping Act, 1921, as amended [19 U.S.C. 160 *et seq.*].

For the purpose of this notice, the term "papermaking machinery and parts thereof" means an entire papermaking machine and the constituent components of a papermaking machine from and including the headbox to and including the reels. It refers to papermaking machinery and parts thereof purchased or agreed to be purchased as an entire papermaking machine.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations [19 CFR 153.29] and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States will be less than the home market prices or the constructed value as appropriate.

This notice is published pursuant to § 153.30 of the Customs Regulations [19 CFR 153.30].

[SEAL] EDWARD L. MORGAN,  
Assistant Secretary of the Treasury.  
[FR Doc.73-18072 Filed 8-23-73; 8:45 am]

#### Office of the Secretary

[Public Debt Series—No. 7-73]

#### 8% PERCENT TREASURY NOTES OF SERIES G-1975

##### Supplement to Department Circular

AUGUST 22, 1973.

In the matter of 8% percent Treasury Notes of Series G-1975, dated and bearing interest from September 4, 1973 and due September 30, 1975.

Pursuant to the provision in Sec. I of Department Circular—Public Debt Series—No. 7-73, dated August 20, 1973, the Secretary of the Treasury announced on August 22, 1973, that the interest rate on the notes described in the circular will be 8% percent per annum. Accordingly, the notes are hereby redesignated 8% percent Treasury Notes of Series G-1975. Interest on the notes will be payable at the rate of 8% percent per annum.

[SEAL] DAVID MOSSO,  
Deputy Fiscal Assistant Secretary.  
[FR Doc.73-18147 Filed 8-23-73; 9:20 am]

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### USAF SCIENTIFIC ADVISORY BOARD GUIDANCE AND CONTROL PANEL

##### Notice of Meeting

AUGUST 22, 1973.

The Scientific Advisory Board Guidance and Control Panel will hold closed meetings on August 29 and 30, 1973, from 9 a.m. until 9 p.m. The meeting on August 29 will be held at Trans World Airlines, Kansas City, Missouri. The meeting on August 30 will be held at American Airlines, Tulsa, Oklahoma.

The Panel will receive competition-sensitive information from the airlines on their experience with aircraft inertial systems.

For further information, 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.73-17962 Filed 8-23-73; 8:45 am]

#### Office of the Secretary

#### ADVISORY GROUP ON ELECTRON DEVICES

##### Notice of Meetings

The Department of Defense Advisory Group on Electron Devices, and various working groups thereof, will meet in closed sessions at 201 Varick Street, New York, New York, on dates indicated below:

Advisory Group on Electron Devices.....	Sept. 11, 1973
Working Group on Special Devices.....	Sept. 11, 1973
Working Group on Passive Devices.....	Sept. 18, 1973
Working Group on Low Power Devices.....	Sept. 21, 1973
Working Group on High Power Devices.....	Sept. 26-27, 1973

The purpose of the DoD Advisory Group on Electron Devices is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices, e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Public Law 92-463, section 10d, the Director of Defense Research and Engineering has determined, on 28 Feb 1973, that the meetings of the Advisory Group are matters which fall within policies analogous to those recognized in section 552(b) of Title 5 of the United States Code and that the public interest requires such activities to be

withheld from disclosure insofar as the requirements of subsection (a) (1) and subsection (b) of section 10, Public Law 92-463 are concerned.

MAURICE W. ROCHE,  
Director, Correspondence and Directives Division, OASD (Comptroller).

AUGUST 21, 1973.

[FR Doc.73-17994 Filed 8-23-73; 8:45 am]

#### DEPARTMENT OF DEFENSE WAGE COMMITTEE

##### Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, September 4, 1973  
Tuesday, September 11, 1973  
Tuesday, September 18, 1973  
Tuesday, September 25, 1973

These meetings will convene at 9:30 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 U.S.C. 552 (b) (2) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,  
Director, Correspondence and Directives Division, OASD (Comptroller).

AUGUST 21, 1973.

[FR Doc.73-17993 Filed 8-23-73; 8:45 am]



## DEPARTMENT OF THE INTERIOR

## Bureau of Reclamation

PROPOSED CURECANTI-SHIPROCK NO. 2  
230-KV TRANSMISSION LINE, COLO-  
RADO RIVER STORAGE PROJECTNotice of Public Hearing Regarding Draft  
Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, a draft environmental statement has been prepared for the proposed Curecanti-Shiprock No. 2 230-kv transmission line—a feature of the Colorado River Storage Project to be located in south-western Colorado and northwestern New Mexico. The statement was filed with the Council on Environmental Quality on August 15, 1973, and is available to the public.

The draft environmental statement is available for public review in the Regional Office of the Bureau of Reclamation, Room 7223, Federal Building, 125 South State (P.O. Box 11568), Salt Lake City, Utah 84111; or at the CRSP Power Operations office, 1200 South Rio Grande (P.O. Box 1069), Montrose, Colorado 81401. Individual copies of the statement may also be obtained without charge by writing to the above offices.

The proposed transmission line would be approximately 152 miles in length, would have steel tower construction, and would essentially parallel the existing No. 1 line between the Curecanti and Shiprock Substations. It would provide additional electrical transmission facilities between these two substations when proposed generating plants at Hayden and Craig, Colorado, are completed.

A public hearing will be held in Montrose, Colorado, to receive comments relating to the draft environmental statement. The hearing will be held in the auditorium of the Colorado-Ute Electric Association on Woodgate Road (U.S. 550 South) beginning at 2:00 p.m. on September 25, 1973. The hearing will continue until all applicants have been heard that evening.

Interested individuals, representatives of organizations, and public officials desiring to testify at the hearing are requested to contact the Regional Director, Bureau of Reclamation, at the above address, or telephone 801-524-5592 before 4:30 p.m. September 21, 1973. Written comments from those unable to attend the hearing or those wishing to supplement their oral presentation at the hearing may be submitted to the Regional Director until October 8, 1973. Statements submitted in connection with the hearing will be included with the hearing transcript, but will not be included with comments submitted in direct review of the draft environmental statement and which are made a part of the environmental statement.

Oral testimony at the hearing will be limited to 10 minutes. Any person desiring additional time must secure prior approval. An oral statement, however, may

be supplemented by a written statement which may be submitted to the hearing officer at the time of presentation of the oral statement or may be mailed to the Bureau of Reclamation as provided above. Each organization wishing to present testimony will be limited to one individual unless prior approval is obtained. Approval for additional time or witnesses must be obtained from the Regional Director. All such requests must be received prior to 4:30 p.m. September 21, 1973. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all the testimony and comments have been received and analyzed a final environmental statement will be prepared.

Dated August 21, 1973.

WARREN D. FAIRCHILD,  
Acting Commissioner of Reclamation.

[FR Doc.73-18014 Filed 8-22-73; 8:45 am]

## Office of the Secretary

[INT DES 73-45]

OUTER CONTINENTAL SHELF OFFSHORE  
CALIFORNIAPublic Hearings Regarding Proposed De-  
velopment of the Santa Ynez Unit, Santa  
Barbara Channel

The public hearing which was announced in the FEDERAL REGISTER July 27, 1973, for 9 a.m. p.d.t. on August 28, 1973, in Santa Barbara for the purpose of receiving comments and suggestions relating to the proposed plan of development of the Santa Ynez Unit has been rescheduled by the Department of the Interior. The hearing as rescheduled will begin at 9 a.m. p.d.t. on October 2, 1973, in the Lobero Theater, 33 East Cannon Perdido, Santa Barbara, California. The hearing is now scheduled to extend through October 4, if necessary. Interested individuals, representatives of organizations, and public officials who wish to testify at the hearing are requested to so inform, in writing, the Area Oil and Gas Supervisor, U.S. Geological Survey, 7744 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012, by 4 p.m. p.d.t., September 21, 1973.

Time limitations make it necessary to limit the length of oral presentations to 10 minutes. Exceptions to this time limitation may be authorized for the proponent of the plan of development (for the purpose of fully explaining the proposal) and to other persons presenting testimony who represent more than one group or organization if a formal request is presented to the Area Oil and Gas Supervisor prior to 4 p.m. p.d.t., September 21, 1973. Oral testimony may be supplemented by a more complete written statement which may be submitted to the hearing officer at the time

of presentation of the oral testimony. Written statements presented in person at the hearing and supplemental materials submitted by October 19, 1973, to the Director, U.S. Geological Survey, U.S. Department of the Interior, Washington, D.C. 20244, will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral testimony by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Written comments from those unable to attend the hearing should be addressed to the Director, U.S. Geological Survey, U.S. Department of the Interior, Washington, D.C. 20244. The Department will accept written comments on the draft environmental impact statement until October 19, 1973. This will allow ample time for those unable to testify at the hearing to make their views known. Written comments on the draft environmental impact statement will be considered for inclusion in the final statement.

The hearing will provide the Department with additional information from both the public and private sectors to help evaluate fully the potential effects of the proposed development on the total environment, aquatic resources, aesthetics, recreation and other resources in the Santa Barbara Channel Area. The hearing will also provide the Department, under section 102(2)(C) of the National Environmental Policy Act of 1969, the opportunity to receive additional comments and views of interested State and local agencies.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared. The draft environmental statement, issued July 23, 1973, is available for public review in the following U.S. Geological Survey Public Inquiries Offices: Room 7638, Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012; Room 504, Customs House, 555 Battery Street, San Francisco, California 94111; U.S. Geological Survey Library, 345 Middlefield Road, Menlo Park, California 94025; Room 1012, Federal Building, Denver, Colorado 80202; and U.S. Geological Survey, Map Information Office, Room 1040, GSA Building, 1800 F Street NW., Washington, D.C. 20244. The draft statement will also be available for public review at the Santa Barbara City Library, Anapamu and Anapamu Streets, Santa Barbara, California.

Copies of the three-volume statement are available for purchase from the Los Angeles and Washington, D.C. offices at \$5.00 per set.

Dated: August 22, 1973.

JOHN B. RIGG,  
Deputy Assistant Secretary of  
the Interior.

[FR Doc.73-18118 Filed 8-23-73; 8:45 am]



## DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

[Amdt. 1]

## SALES OF CERTAIN COMMODITIES

## Monthly Sales List (Fiscal Year Ending June 30, 1974)

The CCC Monthly Sales List for the fiscal year ending June 30, 1974, published in 38 FR 19259, is amended as follows:

1. The second sentence of section 25 entitled "Rice, Rough—unrestricted use sales—FOB warehouse" is revised to read as follows:

The formula price for August 1973 is the 1973 loan rate plus 5 percent plus 12 cents per hundredweight.

2. The last sentence of section 1(b) entitled "General" is revised to read as follows:

Interest at 9 percent will be charged for delinquent payments on consignment and track grain sales from the date of sale to the date payment is received.

3. The fifth sentence of section 1(c) entitled "General" is revised to read as follows:

Interest to date of payment will be at 9 percent.

4. Sales items 1, 2, 3A, 3B, and 3C of section 32 entitled "Peanuts, shelled or farmers stock—restricted use sales" are revised and merged into two sales items which read as follows:

1. Shelled graded peanuts equal to or exceeding requirements of U.S. grades may be purchased for export without limitations on their use.

2. Farmers Stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts to be exported and the balance crushed domestically.

Effective date.—2:30 p.m., e.d.t., July 31, 1973.

Signed at Washington, D.C., on August 20, 1973.

GLENN A. WEIR,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[FR Doc. 73-17967 Filed 8-23-73; 8:45 am]

Rural Electrification Administration  
ARKANSAS ELECTRIC COOPERATIVE  
CORPORATION

Negative Determination on Environmental  
Statement

Notice is hereby given that the Rural Electrification Administration (REA), in connection with the release of loan funds to Arkansas Electric Cooperative Corporation, 8000 Scott Hamilton Drive, Little Rock, Arkansas 72209, has determined that it will not be necessary to publish an environmental statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969.

The release of loan funds will allow the borrower to install equipment at its existing Bailey Plant (Augusta, Arkansas) which consists of one 125 MW unit, necessary to store No. 6 fuel oil and burn

such fuel oil during periods of curtailment of deliveries of natural gas. Arkansas Electric Cooperative Corporation has facilities to store and burn lighter grades of fuel oil and, due to recent efforts to conserve natural gas for domestic consumption, is utilizing fuel oil when its gas supply is curtailed. Availability and price differentials of No. 6 fuel oil, as compared to the lighter oil, necessitates the installation of equipment suitable for No. 6 fuel oil.

The Environmental Protection Agency has notified Arkansas Electric Cooperative Corporation by letter that the addition of equipment required to burn No. 6 oil will be considered a modification of an existing source. The Arkansas Pollution Control Commission has notified AECC that its plan is acceptable.

REA has concluded that its approval of the proposed action will not constitute a major Federal action having a significant effect upon the environment, and has determined that an Environmental Impact Statement is not required. Available loan funds for the necessary equipment will be released from Conditional Agreement on or after September 7, 1973.

Detailed information concerning this action is available for examination at the office of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., in Room 4312.

Dated at Washington, D.C., August 10, 1973.

DAVID A. HAMILL,  
Administrator, Rural  
Electrification Administration.

[FR Doc. 73-18012 Filed 8-22-73; 8:45 am]

## DEPARTMENT OF COMMERCE

Domestic and International Business  
Administration

## NATIONAL CANCER INSTITUTE, ET AL.

Consolidated Decision on Applications for  
Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to sec. 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

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

Docket number: 73-00529-33-46040. APPLICANT: National Cancer Institute, NIH, Frederick Cancer Research Center, Fort Detrick, Frederick, Md. 21701. ARTICLE: Electron microscope, model HU-12A. MANUFACTURER: Hitachi, Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used in a study of the attachment of virus

particles to specific site locations on the surface of cells. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 16, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: August 9, 1973.

Docket number: 73-00538-33-46040. APPLICANT: Veterans Administration, 109 Bee Street, Charleston, S.C. 29403. ARTICLE: Electron microscope, model HU-12A. MANUFACTURER: Hitachi, Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used in the study of renal fine structure in patients with acute glomerulonephritis, chronic sclerosing glomerulonephritis, membranous glomerulonephritis, lipid nephrosis, lupus erythematosus, diabetic glomerulosclerosis, amyloidosis and arteriolar nephrosclerosis. Liver tissue from patients who would normally be candidates for diagnostic biopsy will be studied by electron microscopy to determine the ultrastructural alterations in such diseases as cirrhosis, hepatitis, iron storage and hepatomas. These studies will also be compared to the light microscopic and physiological findings. In addition, the article will be used in the graduate level course Introduction to Electron Microscopy to teach the theory of electron optics, electron diffraction, use of bright and dark field electron microscopy, and high resolution electron microscopy. Cell Biology is the title of an undergraduate course that will be taught using this article in demonstration and laboratory practice. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 30, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: August 9, 1973.

Docket number: 73-00537-33-46040. APPLICANT: University of Iowa, Department of Ophthalmology, University Hospitals, Iowa City, Iowa 52242. ARTICLE: Electron microscope, model JEM 100B. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used in diversified studies of the ultrastructure of the eye and ocular adnexa. The interests are varied and include: anatomy (embryology, neuroanatomy), experimental and clinical pathology and microbiology (virology, mycology, immunology and bacteriology). The article will also be used by both faculty and residents in the department as well as qualified graduate and medical students engaged in research. Residents in ophthalmology wishing to obtain M. S. Degrees in ophthalmology will be instructed in the use of the electron microscope if their projects require this knowledge. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 25, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: August 9, 1973.

Docket number: 73-00539-33-46040. APPLICANT: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, Calif. 90033.



**ARTICLE:** Electron microscope, model EM 301. **MANUFACTURER:** Philips Electronic Instruments NVD, The Netherlands. **INTENDED USE OF ARTICLE:** The article is intended to be used to investigate the ultrastructure of the liver cell intranuclear virus-like particles, the morphologic changes in the liver and the possible replication of the particles in both liver explants and tissue cultures of other cell lines. It will also be used to study the particles which can be isolated from serum and which we shall use for immunological studies.

In addition the article will be used to study tissues, both surgical and autopsy submitted to the histopathology laboratory for pathologic diagnosis. The article will also be used in the training of faculty, other staff members and graduate students in Applied Electron Microscopy. **APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS:** May 29, 1973. **ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON:** August 9, 1973. **COMMENTS:** No comments have been received in regard to any of the foregoing applications. **DECISION:** Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. **REASONS:** Each foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forglow Corporation (Forglo). The Model EMU-4C has a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forglow Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

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

[FR Doc.73-17975 Filed 8-23-73;8:45 am]

#### SUNY-DOWNSTATE MEDICAL CENTER

##### Decision on Application

The following is a decision on an application for duty-free entry of a scientific article pursuant to sec. 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:** 73-00456-33-46040. **APPLICANT:** State University of New York, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. **ARTICLE:** Electron microscope, model HS-9. **MANUFACTURER:** Hitachi Perkin-Elmer, Japan. **INTENDED USE OF ARTICLE:** The article is intended to be used to teach medical students, interns and residents, faculty and research associates the principles of electron microscopy in biological research. The research interests include examination of tumor cells of blood; tumor cells of lung, bone-forming cells; embryonic development of the pancreas; secretion of insulin from specialized cells of the pancreas; and human biopsy tissue from a variety of sources. The article will also be used in formal courses in Electron Microscopy to medical students and graduate students and in the training of post-doctoral research associates and technicians in the use of techniques of electron microscopy.

**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 applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forglow Corporation. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated August 9, 1973, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope 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. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

The following is a decision on an application for duty-free entry of a scientific article pursuant to sec. 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.

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

[FR Doc.73-17978 Filed 8-23-73;8:45 am]

#### UNIVERSITY OF CONNECTICUT HEALTH CENTER

##### Decision on Application

The following is a decision on an application for duty-free entry of a scientific article pursuant to sec. 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:** 73-00462-33-46040. **APPLICANT:** University of Connecticut Health Center, Route 4, Farmington, Conn. 06032. **ARTICLE:** Electron Microscope, Model EM-10. **MANUFACTURER:** Carl Zeiss, West Germany. **INTENDED USE OF ARTICLE:** The article is intended to be used for study of sections of biological materials, macromolecular aggregates isolated from cells or synthesized in cell free systems and freeze-etched material. Studies of the development of teeth, as well as the synthesis of collagen by cells both abnormal and normal in culture, and the structure of isolated bone cells are being conducted. In addition, the article is to be used for educational purposes by undergraduate students pursuing research during their free summers and on a limited basis during the school year, graduate students pursuing fulltime research, and in a course in electron microscope techniques offered to undergraduate students in medicine and dental medicine.

**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 has a specified resolving capability of 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forglow Corporation. The Model EMU-4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 9, 1973 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.



the foreign article for such purposes as the article is intended to be used.

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

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

[FR Doc.73-17979 Filed 8-23-73;8:45 am]

#### UNIVERSITY OF CONNECTICUT HEALTH CENTER

##### Decision on Application

The following is a decision on an application for duty-free entry of a scientific article pursuant to sec. 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: 73-00548-33-46500. APPLICANT: University of Connecticut Health Center, School of Dental Medicine, Farmington, Connecticut 06032. ARTICLE: Ultramicrotome, Model Om U3. MANUFACTURER: C. Reichert Optische Werke AG, Austria. INTENDED USE OF ARTICLE: The article is intended to be used to prepare animal and human tissue for electron microscopic study of naturally occurring pathology and of the biologic effects of methods and materials used in the oral cavity including bacterial plaque, soft tissue, teeth, and bone. The experiments consist of a number of clinical procedures involved in the treatment of caries, the dental pulp, and the periapical tissue. The article will also be used in the course Oral Pathobiology to teach students the biological aspects of naturally occurring pathology and that of iatrogenic etiology.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare

(HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is . . . a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of August 9, 1973 that cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome 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.73-17976 Filed 8-23-73;8:45 am]

#### UNIVERSITY OF IOWA, ET AL.

##### Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to sec. 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

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

DOCKET NUMBER: 73-00527-33-46500. APPLICANT: University of Iowa,

Department of Urology, University Hospitals, Newton Road, Iowa City, Iowa 52242. ARTICLE: Ultramicrotome, Model LKB 8800A. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended for experiments to evaluate the localization of the radioisotopes within prostatic cancer cells. The studies also include an evaluation of dose-related response within cancer cells and an investigation of the relationship of time to the effects of the antineoplastic agents. The article will allow the consistent attainment of serial sections so that sections are comparable when different techniques of investigation, including the anatomic studies and autoradiographic studies can be compared from section to section. The article will also be used as part of pathologic research studies in urology to familiarize senior medical students with subcellular investigations in urology, to demonstrate the tools and techniques necessary for these investigations, and to allow the student to obtain quality sections for electron microscopy. A second course is a research fellowship in urology for residents which represents a program of research experience and demonstrations involving subcellular investigations into a variety of disease processes, notably carcinoma of the prostate, carcinoma of the bladder and smooth muscle physiology in the ureter and bladder. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 16, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: August 9, 1973.

DOCKET NUMBER: 73-00528-33-46500. APPLICANT: Hamilton College, Clinton, N.Y. 13323. ARTICLE: Ultramicrotome, Model LKB 8800A and accessories, MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used to study the fine structural relations between germ cells and somatic cells in different classes of vertebrates, at different times in the life cycle of the animal, and under different environmental conditions, particularly in relation to the endocrine system. The emphasis of the studies will be an attempt to correlate the changes in the fine structure of the germ cells (primordial germ cells, spermatocytes, oocytes) with that of the immediately adjacent somatic cells (mesenchymal cells, sertoli cells, follicular cells) and of both cell types as they are influenced by hormones, and other pharmacological agents. The article will also be used in the course "Biology 35F Cellular Ultrastructure," with emphasis on the preparation and interpretation of electron micrographs in the understanding of the cellular level of biological organization. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 16, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: August 9, 1973.

COMMENTS: No comments have been received with respect to any of the fore-



going applications. **DECISION:** Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. **REASONS:** Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

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

[FR Doc. 73-17977 Filed 8-23-73; 8:45 am]

# V.A. HOSPITAL—IOWA CITY

## Decision on Application

The following is a decision on an application for duty-free entry of a scientific article pursuant to sec. 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:** 73-00543-33-46500. **APPLICANT:** Veterans Administration Hospital, Chief, Supply Service, Highway 6 West, Iowa City, Iowa 52240. **ARTICLE:** Ultramicrotome, model Om U2. **MANUFACTURER:** C. Reichert Optische Werke AG, Austria. **INTENDED USE OF ARTICLE:** The article is intended to be used to prepare sections of calcifying human and rodent tooth (dentin and enamel) for electron microscopic examination in studies of mineralizing dental tissues to obtain basic knowledge concerning its ultrastructure in its normal form, which shall be used to characterize the changes which occur during the destructive process of dental caries.

**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:** Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is . . . a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultra-

thin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of August 9, 1973 that cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome 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. 73-17980 Filed 8-23-73; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### ADVISORY COMMITTEES

##### Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Hemorrhoidal Drugs.	Sept. 6 and 7, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 6, 9 a.m. to 10 a.m., closed Sept. 6 after 10 a.m., closed Sept. 7. Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4090.

**Purpose.** Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products for hemorrhoidal application.

**Agenda.** Continuing review of over-the-counter drug products under investigation.



Committee name	Date, time, place	Type of meeting and contact person
2. Radiological Health Research and Training Grants Review Committee.	Sept. 7 and 8, 9 a.m., Room 400, 12720 Twinbrook Parkway, Rockville, Md.	Open Sept. 7, 9 a.m. to noon, closed Sept. 7 after noon, closed Sept. 8, Norman C. Telles, Room 7-67, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1357

**Purpose.**—Provides scientific and technical review of all research and training-grant applications in the areas of individual and public health hazards which may be associated with exposure to radiation; makes recommendations concerning scientific merit of grant applications.

**Agenda.**—Status report on BRH activities, report on radiation health directors meeting, subcommittee report on technologists training, and review of grant applications.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Ophthalmic Drugs.	Sept. 10, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 11 a.m., closed after 11 a.m. Gary L. Yingling, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960

**Purpose.**—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products for ophthalmic application.

**Agenda.**—Organizational meeting, orientation of members and distribution of material on over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
4. Medical Radiation Advisory Committee.	Sept. 13 and 14, 9 a.m., Room 400, 12720 Twinbrook Parkway, Rockville, Md.	Open—William S. Cole, M.D., (R11-4), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-6220

**Purpose.**—Advises and consults with the Bureau of Radiological Health in the formulation of policy and the development of a coordinated program related to application of ionizing radiation in the healing arts.

**Agenda.**—Chairman's report, Bureau of Radiological Health report, proposed survey of nuclear medicine uses, status of XES 1964 and 1970 Data Analysis, diagnostic X-ray equipment standard, evaluation of educational efforts, X-ray technology program emphasis, and guidelines for X-ray procedures.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Bacterial Vaccines and Bacterial Antigens.	Sept. 14 and 15, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Open Sept. 14, 9 a.m. to 11 a.m., closed Sept. 14 after 11 a.m., closed Sept. 15, Jack Gertzog (B1-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-406-1676

**Purpose.**—Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and bacterial antigens and of combinations thereof whose labels are required to state "No U.S. Standard of Potency."

**Agenda.**—Continuing review of bacterial vaccines and bacterial antigens under investigation.

Committee name	Date, time, place	Type of meeting and contact person
6. Drug Experience Advisory Committee.	Sept. 17 and 18, 8:30 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Allen C. Rost, D.D.S., Room 16B-17, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4580

**Purpose.**—Advises the Commissioner of Food and Drugs on methods currently in use or on proposed methods for the collection of data on adverse drug reactions, recommends changes as appropriate, and evaluates the significance of information received in the system.

**Agenda.**—An in-depth review of spontaneous reporting programs, further consideration of intensive surveillance programs with particular reference to inpatient systems, and consideration of appropriate drug experience feedback from ongoing program efforts.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Dental Devices.	Sept. 17 and 18, 9 a.m., Room 6821, 200 C St. SW., Washington, D.C.	Open Sept. 17, 9 a.m. to 10 a.m., closed Sept. 17 after 10 a.m., closed Sept. 18, Robert S. Kennedy, Ph.D. (CM-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376

**Purpose.**—Reviews and evaluates available data concerning safety, effectiveness, and reliability of dental devices currently in use.

**Agenda.**—Consideration of multiple-use materials, prosthetic, surgical, and "other use" devices which come into physical contact with the patient and are used for dental treatment procedures; classification of operative materials and devices, prosthetic material, endodontic and operative devices which are used in the dental laboratory as an adjunct to dental treatment.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs.	Sept. 17 and 18, 9 a.m., Room 4137, HEW Bldg., 330 Independence Ave. SW., Washington, D.C.	Open Sept. 17, 9 a.m. to 10 a.m., closed Sept. 17 after 10 a.m., closed Sept. 18, Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960

**Purpose.**—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription

drug products containing sedative, tranquilizer, or sleep aid drugs.

**Agenda.**—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
9. Cardiovascular and Renal Advisory Committee.	Sept. 20 and 21, 1 p.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 20, 1 p.m. to 2 p.m., closed Sept. 20 after 2 p.m., closed Sept. 21, John B. MacGregor, M.D., Room 16B-20, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4731

**Purpose.**—Advises the Commissioner of Food and Drugs regarding the safety and efficacy of drugs employed in the field of cardiovascular and renal disorders.

**Agenda.**—Bretylium, assessment as anti-arrhythmic agent and pros and cons in the use of atropine in the early phases of acute myocardial infarction.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Laxative, Antidiarrheal, Emetic, and Antiemetic Drug Products.	Sept. 21 and 22, 9 a.m., Conference Room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 21, 9 a.m. to 10 a.m., closed Sept. 21 after 10 a.m., closed Sept. 22, Gary L. Yingling, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960

**Purpose.**—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing laxative, antidiarrheal, emetic, and antiemetic drug products.

**Agenda.**—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Bacterial Vaccines and Toxoids.	Sept. 24 and 25, 9 a.m., Room 121, Bldg. 29, Natl. Inst. of Health, 9000 Rockville Pike, Bethesda, Md.	Open Sept. 24, 9 a.m. to 11 a.m., closed Sept. 24 after 11 a.m., closed Sept. 25, Jack Gertzog (B1-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-406-1676

**Purpose.**—Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and toxoids with standards of potency.

**Agenda.**—Continuing review of bacterial vaccines and toxoids under investigation.

Committee name	Date, time, place	Type of meeting and contact person
12. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antihistamine Drugs.	Sept. 25 and 26, 9 a.m., Room 4173, HEW Bldg., 330 Independence Ave. SW., Washington, D.C.	Open Sept. 25, 9 a.m. to 10 a.m., closed Sept. 25 after 10 a.m., closed Sept. 26, Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960



**Purpose.**—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antiasthmatic drug products.

**Agenda.**—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Internal Analgesic Including Antirheumatic Drugs.	Sept. 25 and 26, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 25, 9 a.m. to 10 a.m., closed Sept. 25 after 10 a.m., closed Sept. 26, Lee Gelsman, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.**—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing internal analgesic including antirheumatic drugs.

**Agenda.**—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
14. Skeletal Muscle Relaxant Subcommittee Neuropharmacology Advisory Committee.	Sept. 26, 9:30 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m., Frederick Jordan, Room 10B-30, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3870.

**Purpose.**—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the field of neuropharmacology.

**Agenda.**—Discussion of NAS/NRC evaluation of these drugs as less than effective and discussion regarding suitable protocols for evaluating this class of drugs.

Committee name	Date, time, place	Type of meeting and contact person
15. Panel on Review of Topical Analgesics.	Sept. 27 and 28, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 27, 9 a.m. to 10 a.m., closed Sept. 27 after 10 a.m., closed Sept. 28, Lee Gelsman, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.**—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing topical analgesic agents.

**Agenda.**—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
16. Panel on Review of Antimicrobial Agents.	Sept. 27-29, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 27, 9 a.m. to 10 a.m., closed Sept. 27 after 10 a.m., closed Sept. 28 and 29, Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.**—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antimicrobial agents.

**Agenda.**—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
17. Panel on Review of Contraceptives and Other Vaginal Drug Products.	Sept. 28 and 29, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 28, 9 a.m. to 10 a.m., closed Sept. 28 after 10 a.m., closed Sept. 29, Armond M. Welch, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.**—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

**Agenda.**—Continuing review of over-the-counter drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and

private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which non-confiden-



tial information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: August 21, 1973.

A. M. SCHMIDT,  
Commissioner of Food and Drugs.  
[FR Doc.73-18074 Filed 8-23-73;8:45 am]

#### Health Resources Administration ANNOUNCEMENT OF RENEWALS Correction

In FEDERAL REGISTER Document 73-16580 appearing at page 21681 in the issue for Friday, August 10, 1973, the last paragraph concerning the date of authority for the expiration of the U.S. National Committee on Vital and Health Statistics and the Health Services Research Training Committee should be changed from "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." to "Au-

thority for the U.S. National Committee on Vital and Health Statistics will expire June 30, 1975, and authority for the Health Services Research Training Committee will expire June 30, 1974, 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 20, 1973.

KENNETH M. ENDICOTT,  
Administrator, Health  
Resources Administration.

[FR Doc.73-17930 Filed 8-23-73;8:45 am]

#### NATIONAL ADVISORY COMMITTEES Notice of Public Meetings

The Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of September 1973:

Committee Name	Date, time, place	Type of meeting and/or contact person
Long-Term Care for the Elderly Research Review and Advisory Committee.	September 13-14, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed on September 13. Open on September 14. Contact Elliott Lesser, Ph.D., Room 15-20, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2950 or Julius Pellegrino, Jr., Room 15A-35, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2840.

Purpose: The Committee is charged with the review of research grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development relating to research on long-term care, including research approaches for studying and improving the delivery of care in nursing homes and other long-term care facilities and for identifying alternatives to institutional care.

Agenda: The Committee will be performing a review of grant applications for Federal assistance on September 13 and will not be open to the public in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463, Section 10(d). On September 14 the Committee will consult with Federal employees concerned with preparation of issue papers in the areas of quality care, alternatives to institutionalization, and baseline data production and collection. The Committee will be functioning in its advisory role on this day.

Committee name	Date, time, place	Type of meeting and/or contact person
Health Services Research Study Section.	September 18-20, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open September 18, 9 a.m. to 3 p.m. Closed—remainder of meeting. Contact Dr. Alan E. Mayers, Room 15-19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2920.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development and makes recommendations to the National Advisory Councils for final review.

Agenda: The morning of September 18 will be devoted to a business meeting, remarks of the Acting Director of the Bureau, and a discussion of the program of the Social and Economic Analysis Division. The first half of the afternoon will be devoted to a discussion of recurrent issues in the review of grant applications. The remainder of the meeting will be devoted to a review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Health Resources Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee Name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Comprehensive Health Planning Programs.	September 19-20, 9:30 a.m. Quality Inn-Capitol Hill, 415 New Jersey Ave., N.W., Washington, D.C.	Open—Contact Robert E. Griffiths, Room 7-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2800.

Purpose: The Council advises and assists the Secretary, Department of Health, Education, and Welfare in the preparation of general regulations for, and as to policy matters arising with respect to the administration of Section 314 of the Public Health Service Act; and the relationship between the improved organization and delivery of health services and financing of such services. The Council advises the Secretary on matters related to section 1122 of the Social Security Act.

Agenda: Agenda items include a discussion with the Seventh Annual Conference of State Comprehensive Health Planning Agencies; a presentation by Under Secretary Frank Carlucci; an explanation of regulations for Section 1122 under the Social Security Act; and a discussion of the role of the National Advisory Council on Comprehensive Health Planning Programs relevant to section 1122.



Committee Name	Date, time, place	Type of meeting and/or contact person
Dental Health Research and Education Advisory Committee.	September 20-21, 8:30 a.m. Holiday Inn, 8120 Wisconsin Ave., Bethesda, Md.	Open September 20, 8:30 a.m. to 9:15 a.m. Closed—remainder of meeting. Contact Solomon Levy, Room 306, Federal Bldg., 7550 Wisconsin Ave., Bethesda, Md. Code 301-495-4535.

**Purpose:** The Committee is charged with the initial review of grant applications for the support of special dental student training programs; and advises the Director, Division of Dental Health, on matters of dental public health and education and related matters.

**Agenda:** Agenda items will include (a) discussion of the new Health Resources Administration reorganization and (b) initial review of grant applications, which will not be open to the public in accordance with the determination by the Administrator, Health Resources Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee Name	Date, time, place	Type of meeting and/or contact person
Health Services Developmental Grants Study Section.	September 20-21, 8:30 a.m. Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed—Contact David McFall, Room 15-29, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2930.

**Purpose:** The Study Section is charged with the initial review of developmental grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development.

**Agenda:** The Study Section will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463, section 10(d).

Committee Name	Date, time, place	Type of meeting and/or contact person
Health Care Technology Study Section.	September 24-25, 9 a.m. Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open September 24, 9 a.m. to 11:30 a.m. Closed—remainder of meeting. Contact John R. Hall, Room 15-19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2930.

**Purpose:** The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development which relate to the use of systems analysis, operations research and

computer sciences in the broad fields of community health services, hospital medicine, and patient care. It makes recommendations to the National Advisory Councils on the scientific merits of such applications.

**Agenda:** During the open session the Study Section will conduct necessary administrative and informational business. During the closed sessions the study section will review grant applications for Federal assistance, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Emergency Medical Services Administrator's Advisory Committee.	September 17-18, 1 p.m. Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open September 17, 1 to 5 p.m. and September 18, 9 a.m. to 4 p.m. Contact John Reardon, Room 10-15, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2930.

**Purpose:** Advises and makes recommendations to the Administrator, Health Resources Administration, on the basic design and implementation of the Initiative on Emergency Medical Services and the evaluation of the results on new initiatives of emergency health services.

**Agenda:** September 17 will be devoted to a discussion of progress made by the Emergency Medical Service (EMS) staff on inquiries and recommendations made by the Committee in June. There will be a staff presentation and discussion of process and impact evaluation for EMS demonstrations. September 18 will begin with a presentation and discussion of the EMS demonstration in Northeast Florida. The remainder of the day will be devoted to developing Committee recommendations for EMS problems and demonstrations of national interest during 1975-1979.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open/closed sessions may be obtained from the contact persons listed above.

Dated: August 20, 1973.

KENNETH M. ENDICOTT,  
Administrator, Health  
Resources Administration.

[FR Doc. 73-17929 Filed 8-23-73; 8:45 am]

#### Office of Education LIBRARY RESEARCH AND DEMONSTRATION PROGRAM

##### Notice of Closing Date for Proposals

The United States Office of Education invites proposals for library research and demonstration projects under the authority contained in Part B of Title II of the Higher Education Act of 1965, as

amended, by Public Law 92-318, 86 Stat. 238 (20 U.S.C. 1031-1033).

**Period.**—Proposals with completed application forms will be eligible for receipt from the date of this issue of the Federal Register to the close of business on the 30th calendar day thereafter.

**Funding.**—The total sum available for grants is \$114,000. This amount must be obligated by September 30, 1973.

**Purpose of the program.**—The purpose of financial assistance to eligible institutions is to sponsor and support research and demonstration projects relating to the improvement of libraries or the improvement of training in librarianship, including the development of new techniques, systems, and equipment for processing, storing, and distributing information and for the dissemination of information derived from such research and demonstration. For this purpose programs of Federal assistance are provided to institutions of higher education and other public or private agencies, institutions, and organizations for research and demonstration projects relating to the improvement of training in librarianship.

**Eligible parties.**—An eligible party is a university or college or other public or private agency, institution, or organization provided that no private agency, or organization, or institution other than a non-profit one may receive a grant.

**Priorities.**—Funding priorities will be given to proposals dealing with:

(a) **Libraries.**—Activities supported will be designed to bring together the total information, educational and cultural resources of communities and organizations into new and effective patterns of service. The activities will center on more efficient use of resources, innovative techniques, and fulfillment of comprehensive information needs of the users: As a basis for the development of new services and delivery systems or concurrent with it, a limited number of needs assessment studies will be supported. Emphasis is on special target groups such as the underemployed, undereducated, culturally or geographically isolated groups, and others who have been minimally served in the past.

(b) **Information science.**—To support the total system efforts in paragraph (a) above a limited number of studies could be funded to develop new techniques and technological innovations and services and new applications of existing ones.

(c) **Training of library personnel.**—Investigation of training needs and design of training programs can be performed to support the activities outlined in paragraph (a) above.

**Types of activities supported.**—Activities assisted may include projects for research, dissemination, demonstration, and library curriculum development.

**Review of proposals.**—The Commissioner will not approve any application for a grant unless and until such application has been reviewed by a panel of experts who are competent to evaluate various types of research or demonstration projects, and the Commissioner has



secured the advice and recommendations of such panel.

**Cost sharing.**—No recipient of a grant under this part may receive the entire cost of the program or project assisted under such grant. However, the amount of the potential grantee's contribution to the cost of such program or project will not affect the disposition of such grantee's application for assistance under this part.

**Applications.**—Proposal should be accompanied by completed application forms. Prospective applicants should insure that their requests be in order by writing for application forms and proposal instructions from:

Mr. Paul Janaske, Library Research and Demonstration Program, Bureau of Libraries and Learning Resources, U.S. Office of Education, Washington, D. C. 20202.

JOHN OTTINA,  
Acting U.S. Commissioner  
of Education.

AUGUST 8, 1973.

[FR Doc.73-18015 Filed 8-23-73;8:45 am]

#### NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL, SUBCOMMITTEE ON POLICY DEVELOPMENT

##### Notice of Meeting

The National Professional Standards Review Council Subcommittee on Policy Development will meet on Sunday, August 26. This Subcommittee was formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act with respect to the policy ramifications of the PSRO program. The meeting will be held at 8:45 p.m. in the Holiday Inn, Bethesda, Maryland. 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 a review of the minutes of August 15 meeting and discussion of long range concerns of Policy Development Subcommittee. The meeting is open to the public.

Dated August 17, 1973.

WILLIAM I. BAUER,  
Executive Secretary, National  
Professional Standards Review Council.

[FR Doc.73-18060 Filed 8-23-73;8:45 am]

##### Office of the Secretary

#### NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL, SUBCOMMITTEE ON EVALUATION

##### Notice of Meeting

The National Professional Standards Review Council Subcommittee on Evaluation will meet on August 26. This Subcommittee was formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act

with respect to program evaluation of PSROs. The meeting will be held in Library No. 5 at 8:30 p.m. on August 26, 1973, at the Holiday Inn, Bethesda, Maryland. 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 discussion of Preliminary Evaluation Plan and Subcommittee function. The meeting is open to the public.

Dated August 17, 1973.

WILLIAM I. BAUER,  
Executive Secretary, National  
Professional Standards Review Council.

[FR Doc.73-18061 Filed 8-23-73;8:45 am]

#### ATOMIC ENERGY COMMISSION

[Docket Nos. 50-348A, 50-364A]

##### ALABAMA POWER CO.

##### Rescheduling of Prehearing Conference and Discovery Incidents

In the Matter of Alabama Power Company (Joseph M. Farley Nuclear Plant Units 1 and 2).

Upon the joint motion of the parties dated August 9, 1973,

It is Ordered: 1. The Prehearing Conference scheduled for September 10, 1973 be canceled and a conference be held September 24, 1973 at a time and place to be set forth in a subsequent notice.

2. That the times agreed upon by the parties in such joint motion are approved provided that all motions are served and filed to be received no later than August 31, 1973, and all responses no later than September 14, 1973.

Issued at Washington, D.C. this 20th day of August, 1973.

For the Atomic Safety and Licensing Board.

WALTER W. K. BENNETT,  
Chairman.

[FR Doc.73-17924 Filed 8-23-73;8:45 am]

[Docket Nos. 50-366A]

##### GEORGIA POWER CO.

##### Rescheduling of Prehearing Conference and Discovery Incidents

In the Matter of Georgia Power Company (Hatch Nuclear Plant—Unit 2).

Upon the joint motion of the Parties dated August 10, 1973,

It is ordered: 1. The Prehearing Conference scheduled for September 6, 1973 be canceled and a conference be held September 20, 1973 at a time and place to be set forth in a subsequent notice.

2. That the times agreed upon by the Parties in such joint motion are approved provided that all motions are served and filed to be received no later than August 29, 1973 and all responses no later than September 12, 1973.

Issued at Washington, D.C. this 20th day of August 1973.

For the Atomic Safety and Licensing Board.

WALTER W. K. BENNETT,  
Chairman.

[FR Doc.73-17923 Filed 8-23-73;8:45 am]

[Docket Nos. 50-315, 50-316]

#### INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO.

##### Notice of Reconstitution of Board

In the matter of Indiana and Michigan Electric Company and Indiana and Michigan Power Company (Donald C. Cook Nuclear Plant, Units 1 and 2).

Jerome Garfinkel, Esq., was Chairman and Thomas W. Reilly, Esq., was Alternate Chairman of the Atomic Safety and Licensing Board established to consider the above application. Because of schedule conflicts, they are unable to continue their service on this Board.

Accordingly, Max D. Paglin, Esq., an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Rules of Practice, as amended.

Issued at Washington, D.C. this 20th day of August 1973.

NATHANIEL H. GOODRICH,  
Chairman, Atomic Safety and  
Licensing Board Panel.

[FR Doc.73-17922 Filed 8-23-73;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. SCHWENGER,  
Chief, Pressurized Water Reactors Branch No. 4 Directorate of Licensing.

[FR Doc. 73-15782 Filed 8-22-73; 8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket 24421]

### SERVICE TO SAIPAN CASE

#### Notice of Postponement of Oral Argument

Due to a conflict in the Board's calendar, the oral argument in this proceeding, previously set for September 12, 1973 (38 FR 20116, July 27, 1973), is postponed. It is planned that the argument

will be reset for a time in November to be announced in a future notice.

Dated at Washington, D.C., August 20, 1973.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.  
[FR Doc. 73-18006 Filed 8-23-73; 8:45 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS

#### Public Availability

Environmental impact statements received by the Council on Environmental Quality from August 13 through August 17, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

#### DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

#### FOREST SERVICE

##### Draft

West Fork Ranger District, Bitterroot N. F., Ravalli County, Montana, August 15: The statement refers to a proposed revised management plan for 157,075 acres of the West Fork Ranger District of the Forest. The planning unit has been subdivided into eight smaller units which will be managed for such values as timber production, wildlife habitat enhancement, and recreational values. Of the 157,075 acres in the unit, 111,240 are inventoried as roadless. Implementation of the plan will result in management keyed to road development of 75,946 acres. The remaining 81,129 acres will continue to be managed in a roadless condition. (ELR order No. 31344) (NTIS order No. EIS 73 1344D).

##### Final

Vegetation Manipulation with Herbicides, Yavapai and Apache Counties, Arizona, August 13: The proposal is for the use of the chemical herbicide 2,4-D on lands of the Apache and Coconino National Forests, in order to control the spread of snakeweed, iris, and rabbitbrush. There may be adverse effects on water organisms, and the air. The White Mountain Reservoir lies within one-half mile of one spot which is proposed for treatment (101 pages) Comments made by: DOI, HEW and State and local agencies, and concerned citizens (ELR order No. 31325) (NTIS order No. EIS 73 1325F).

#### SOIL CONSERVATION SERVICE

##### Final

Baker Lake Watershed, Falcon County, Montana, August 13: The proposal is for a watershed protection project on the 4,128 acre Baker Lake Watershed. Project measures include one flood water retarding structure and land treatment. One hundred and twenty-two acres of rangeland and six acres of wetland will be permanently inundated; 82 acres will be periodically inundated. Because of active oil and gas exploration in the area, the possibility of oil waste pollution in the floodwater retarding basins will be increased by the project. (45 pages) Comments made by: USA, EPA, and DOI, State agencies

(ELR Order No. 31327) (NTIS Order No. EIS 73 1327F).

#### ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202-973-5391. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, 202-973-7373, Washington, D.C. 20545.

##### Draft

Limerick Generating Station, Units 1 and 2 (2), Montgomery County, Pennsylvania, August 15: The statement refers to the proposed issuance of construction permits to the Philadelphia Electric Co. for the Station. Each of the units will employ a boiling water reactor to produce 3,293 MWt and 1,055 MWe (net). Future outputs of 3,440 MWt and 1,100 MWe each are anticipated. The cooling system will utilize two natural-draft towers, with water being drawn from the Schuylkill River and Perkiomen Creek at a consumptive maximum rate of 65 cfs. An earlier statement was issued by AEC in December, 1972. The second statement adds information on the consumptive use of Delaware River water. (ELR Order No. 31343) (NTIS Order No. EIS 73 1343D).

#### GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161.

##### Final

Courthouse and Federal Office Building, Winston-Salem, North Carolina, August 13: The proposed project consists of the construction of a new courthouse and Federal office building in Winston-Salem. Gross area, which includes a basement, sub-basement, eight stories and a penthouse is 322,686 sq. ft.; total land site area is 67,636 sq. ft. The facility will house approximately 740 employees, and provide 210 interior parking spaces. Increased air and noise pollution levels will occur during construction. (80 pages) Comments made by: AEC, USDA, FPC, COE, HEW, HUD, AHP, EPA, DOI, and DOT (ELR Order No. 31332) (NTIS Order No. EIS 73 1332F).

#### DEPARTMENT OF HEW

Contact: Mr. Paul Cromwell, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3718, HEW-North, Washington, D.C. 20202, 202-963-4456.

##### Draft

Lister Hill National Center for Biomedical Communications, Montgomery County, Maryland, August 14: The statement refers to the proposed construction of an additional facility adjacent to the NLM building at the National Institutes of Health. The facility will consist of offices, conference rooms, computer and communications apparatus, an electronic laboratory, and related measures. There will be construction disruption. (33 pages) (ELR Order No. 31340) (NTIS Order No. EIS 73 1340D).

#### DEPARTMENT OF HUD

Contact: Mr. Richard H. Brown, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-5980.

##### Draft

Urban Renewal Project, Iowa City, Iowa, August 14: The statement refers to a conventional urban renewal project which is intended to eliminate present environmental deficiencies, replan and rebuild a vital section



of the City, reinforce the central business district, and permit the University of Iowa to expand. Concern is focused on automobile circulation, and the boundary of a historic site. (109 pages) (ELR Order No. 31339) (NTIS Order No. EIS 73 1339D).

#### DEPARTMENT OF DEFENSE,

##### ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

#### Draft

Savannah Harbor, Georgia, August 15: The project provides for additional improvements to Savannah Harbor, by widening and deepening the existing channel from deep water to the Savannah Sugar Refinery, providing wideners at the bends, and providing turning basins within the harbor. Twenty-four million cubic yards of spoil will be dredged. There will be adverse impact to marine biota. (Savannah District) (67 pages) (ELR Order No. 31347) (NTIS Order No. EIS 73 1347D).

Kaskaskia Valley Flood Control, Clinton, Fayette and Bond Counties Illinois, August 15: The statement refers to the proposed continuation of operation and maintenance measures of a multi-purpose reservoir which provides flood control for the Kaskaskia Valley. Adverse impact results from water level fluctuations. (St. Louis District) (53 pages) (ELR Order No. 31352) (NTIS Order No. EIS 73 1352D).

Peg's Eye Coal Terminal, St. Paul, Ramsey County, Minnesota, August 13: The project involves the construction by the St. Paul Port Authority, of a terminal to receive low-sulfur coal by unit train from Montana to reship to public utilities in the Upper Mississippi Valley. Disturbance to, or loss of 221 acres of terrestrial floodplain will disturb wildlife habitat. Discharge from the storage area will increase water pollution. Other adverse impacts of the action are loss of open space and recreational use of the Peg's Eye Area; and increased barge traffic on the river and rail service. Social effects consist of a degradation of aesthetics and a shift of coal mining from the east to the west. (110 pages) (ELR Order No. 31326) (NTIS Order No. EIS 73 1326D).

Town Creek Small Navigation Project, South Carolina, August 10: Proposed is a navigation project which will involve the deepening of the natural channel in Town Creek, and the construction of an entrance channel in the Atlantic Ocean. Adverse impact will include the temporary disruption of benthic communities and oyster banks, and the conversion of irregularly flooded marsh to a terrestrial environment. (Charleston District) (14 pages) (ELR Order No. 31317) (NTIS Order No. EIS 73 1317D).

#### Final

New Haven Harbor, Connecticut, August 16: The proposed navigational maintenance project consists of dredging the main channel from Long Island Sound to the Tomlinson Bridge to its authorized depth of 35 feet and disposal of an estimated 800,000 cubic yards of spoil material. Spoil will be deposited in the New Haven Dump Grounds. Adverse environmental effects include alteration of pelagic and benthic habitats, temporary increases in turbidity and siltation, and resuspension of non-biodegradable chemical pollutants. (210 pages) Comments made by: DOC, DOI, HEW, HUD, USCG, (ELR

Order No. 31357) (NTIS Order No. EIS 73 1357F).

New Bedford Barrier, Massachusetts, August 15: The proposed project involves the operation and maintenance of the main harbor barrier and dike in order to protect residential and commercial areas from tidal flooding (Waltham District) (34 pages) Comments made by: EPA, DOI, DOC, HUD, USCG, and State and local agencies. (ELR Order No. 31353) (NTIS Order No. EIS 73 1353F).

Bronx River, Bronx County, New York, August 15: The navigation project involves the dredging of the Federal channel of the Bronx River to its authorized dimensions. Spoil (83,000 cu. yds.) will be dumped in the New York Bight, with adverse impact to marine biota. (New York District) (33 pages) Comments made by: USDA, DOC, USN, DOT, HEW, EPA, and one regional agency. (ELR Order No. 31349) (NTIS Order No. EIS 73 1349F).

Mamaroneck Harbor, New York, August 15: The statement considers the maintenance dredging of the Federal channel of the harbor. Spoil would be disposed of in approved dumping grounds in the New York Bight. Temporary turbidity will damage marine ecosystems. (New York District) (38 pages) Comments made by: DOI, USN, DOT, EPA, USCG, 2DOC, and State and local agencies. (ELR Order No. 31350) (NTIS Order No. EIS 73 1350F).

Port Chester Harbor, Westchester County, New York, August 15: The statement refers to the proposed maintenance dredging of the harbor and Byram River, for navigational purposes. Approximately 60,000 cu. yds. of dredged material will be dumped in the New York Bight. (New York District) (44 pages) Comments made by: USDA, DOC, USN, HEW, DOI, and agencies of Connecticut and New York. (ELR Order No. 31351) (NTIS Order No. EIS 73 1351F).

#### DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

#### BUREAU OF SPORTS FISHERIES AND WILDLIFE

##### Final

Anaho Island Wilderness Area, Washoe County, Nevada, August 16: The statement refers to the proposed legislative designation of the 247 acre Anaho Island National Wildlife Refuge (located in Pyramid Lake) as wilderness within the National Wilderness Preservation System. The island is of special significance as one of only a few known white pelican colonies in North America. Other birds of the island include the California gull, the double-crested cormorant, the great blue heron, and the Caspian Tern. (41 pages) Comments made by: USDA, DOD, DOI. (ELR Order No. 31360) (NTIS Order No. EIS 73 1360F).

#### NATIONAL PARK SERVICE

##### Final

Guadalupe National Park, Texas, August 13: The statement refers to the proposed designation of 46,850 acres of the Park as wilderness within the National Wilderness Preservation System. The statement discusses social, scientific, cultural, and economic aspects of the action. (89 pages) Comments made by: USDA, COE, DOI, DOT, EPA, FPC, and State agencies. (ELR Order No. 31324) (NTIS Order No. EIS 73 1324F).

#### DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th

Street, SW., Washington, D.C. 20590, 202-466-4357.

#### FEDERAL AVIATION ADMINISTRATION

##### Draft

DuPage County Airport, DuPage County, Illinois, August 15: Proposed is the extension of the existing 4000' E/W runway (10-28) by 1000' x 75' on the east end, and constructing connecting taxiways to the northside of the E/W runway. Adverse impacts include increased noise and air pollution and loss of wildlife habitat. (67 pages) (ELR Order No. 31345) (NTIS Order No. EIS 73 1345D).

Boston-Logan International Airport, Suffolk County, Massachusetts, August 13: The proposed project entails the construction of a new runway 15-33, 100' x 3,830'; extension of runway 9, 150' x 1,855'; extension of runway 4L, 150' x 2,020', with associated taxiways, lighting and marking. The improvements will be located on the existing Bird Island Flats. Increases in air and noise pollution will occur. (Approximately 300 pages) (ELR Order No. 31330) (NTIS Order No. EIS 73 1330D).

Poplarville-Pearl River County Airport, Pearl River County, Mississippi, August 13: Proposed is the development of a new general aviation airport which will accommodate substantially all propeller aircraft of less than 12,500 pounds. Development will consist of acquiring leasehold interest in 123.1 acres of land and easement interest in 48.10 acres; constructing a 4,000' x 100' runway with aircraft parking apron and connecting taxiway; constructing an access road; installing a medium intensity lighting system including a lighted wind cone, a segmented circle, rotating beacon and visual approach slope indicator. Increased noise and air pollution levels due to aircraft operations and construction disruption will occur. (26 pages) (ELR Order No. 03132) (NTIS Order No. EIS 73 1328D).

Alma Municipal Airport, Harlan County, Nebraska, August 13: The proposed project is the acquisition of 308 acres-fee and 8 acres-easement to construct a turf landing strip (4100' x 150'), connecting taxiway (30' x 150'), including grading, seeding and drainage structures; construction of vehicle parking area (100' x 200') and access road (25' x 500'); installation of segment circle, wind cone, and perimeter and safety fencing. Adverse impacts stemming from the project include the taking of private land and the introduction of high air and noise pollution levels into a new area. (33 pages) (ELR Order No. 31329) (NTIS Order No. EIS 73 1329D).

Eppley Airfield, Omaha, Douglas County, Nebraska, August 13: Proposed is the relocation of approximately 22,100 lineal feet of the Missouri River Levee and construction of a fire/rescue training facility. Construction of the levee will allow approximately 610 acres to be reclaimed for future airport expansion and development. Adverse impacts include temporary construction dust and noise. (75 pages) (ELR Order No. 31331) (NTIS Order No. EIS 73 1331D).

#### FEDERAL HIGHWAY ADMINISTRATION

##### Draft

U.S. 81, Kansas, Sedgwick County, Kansas, August 15: Proposed is the improvement of three miles of U.S. 81, including right-of-way acquisition, drainage, grading, bridge construction, and landscaping. Adverse impacts include temporary air and surface water pollution; displacement of families and businesses; and loss of natural growth. (60 pages) (ELR Order No. 31348) (NTIS Order No. EIS 73 1348D).

Route 9-Speen Street Interchange, Middlesex County, Massachusetts, August 14:



Proposed is the construction of a grade separated highway interchange to replace the existing at-grade intersection at State Route 9 (FAP Route 47) and Speen Street in the Town of Natick. Route 9 will be depressed and Speen Street will be relocated at existing grade. Adverse impacts include possible degradation of water quality in adjacent Lake Cochituate by increased deposition of salts and nutrients; and displacement of 20 businesses and four families. (234 pages). (ELR Order No. 31337) (NTIS Order No. EIS 73 1337D).

U.S. 95, Nevada 08/14  
Nevada

County: Esmeralda Nye

Proposed is the construction and partial relocation of a 24-mile section of U.S. 95 between the Cities of Goldfield and Tonopah. The existing two-lane facility will be reconstructed for the southbound lanes of the ultimate four-lane rural freeway. Adverse impacts include the removal of approximately 100 acres of land from the tax rolls; scarring of the desert landscape; creation of dust during construction; loss of vegetation and minor disturbance of underground water flows. (93 pages)

(ELR ORDER # 31341) (NTIS ORDER # EIS 73 1341D)

State Route 800, Ohio 08/13  
Ohio

County: Monroe Belmont

Proposed is the relocation and improvement of a portion of State Route 800 between Barnesville and Woodsfield. The project consists of a two-lane highway, approximately 16.5 miles in length. Adverse effects of the action are the loss of farmland; loss of a small amount of woodland; and the taking of 22 residences, 7 farm operations, and 1 business. Five acres of Section 4(f) land are required from the Monroe Lake State Wildlife Area. (33 pages)

(ELR ORDER # 31336) (NTIS ORDER # EIS 73 1336D)

TIMOTHY ATKESON,  
General Counsel.

[FR Doc.73-18004 Filed 8-22-73; 8:45 am]

## **COST OF LIVING COUNCIL FOOD INDUSTRY WAGE AND SALARY COMMITTEE**

### **Notice of Closed Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 a.m., Wednesday, August 29, 1973, at 2025 M Street NW, Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5)

of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on August 22, 1973.

HENRY H. PERRITT, JR.,  
Executive Secretary.

[FR Doc.73-18121 Filed 8-22-73; 4:46 pm]

## **ENVIRONMENTAL PROTECTION AGENCY**

E. I. DU PONT DE NEMOURS AND CO.,  
INC.

### **Notice of Filing of Pesticide and Food Additive Petitions**

#### **Correction**

In FR Doc. 73-16747 appearing on page 21812 in the issue for Monday, August 13, 1973, the petition number "(PP 3F410)" in the fifth line should read "(PP 3F1410)".

## **UNION CARBIDE CORP.**

### **Notice of Filing of Petition Regarding Pesticide Chemical**

#### **Correction**

In FR Doc. 73-16748 appearing on page 21813 in the issue for Monday, August 13, 1973, the signature reading "Henry J. Korn" should read "Henry J. Korp".

## **FEDERAL COMMUNICATIONS COMMISSION**

[Report No. 662]

### **COMMON CARRIER SERVICES INFORMATION**

#### **Domestic Public Radio Services Applications Accepted for Filing**

August 20, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in

<sup>1</sup> All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

<sup>2</sup> The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Acting Secretary.

#### **APPLICATIONS ACCEPTED FOR FILING**

##### **DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE**

20147-C2-P-(2)-74—Answerite Professional Answering Service (New), C. P. for a new 2-way station to operate on 454.075 and 454.175 MHz at 10612 Tanner Road, Tampa, Florida.

20148-C2-P-(2)-74—W. L. & R. L. Meadow d/b/a Jacksonville Radio Dispatch Service (KIB388), C. P. to change antenna system and additional facilities to operate on 152.15 and 152.18 MHz at 1510 Montana Avenue, Jacksonville, Florida.

20149-C2-P-74—Vernon H. Johnson (New), C. P. for a new 1-way signaling station to operate on 152.24 MHz at 0.33 Mile North of Gallup, New Mexico.

20150-C2-P-74—Vernon H. Johnson (New), C. P. for a new 2-way station to operate on 152.06 MHz at 0.33 mile N. of Gallup, New Mexico.

20151-C2-P-74—Southern Radio-Phone, Inc. (New), C. P. for a new 2-way station to operate on 152.09 MHz at 0.6 miles N.E. of mile marker 86 westside of U.S. No. 1, Plantation Key, Florida.

20152-C2-P-74—Southwestern Communications Service (New), C. P. for a new 2-way station to operate on 152.12 MHz at 0.3 mile S. of Uvalde on Batesville Hwy., Uvalde, Texas.

20153-C2-P-(5)-74—WUI/TAS of Las Vegas, Nevada, Inc. (KOK344), C. P. for additional facilities to operate on 152.09, 152.12, 152.15, 152.18, and 152.21 MHz at First National Bank Bldg., 300 E. Carson Street, Las Vegas, Nevada, (Loc. No. 2.)

20154-C2-P-(3)-74—James L. Adams, Jr. (New), C. P. for a new 2-way, repeater, and control stations. Base and repeater stations to be located at City Witter tank, Altha, Florida, operating on 454.200 (Base) and 459.025 MHz (repeater), and the control station will be located at RFD 1, Box 287, 2 miles N. Bountstown, Florida operating on 454.025 MHz.

20156-C2-P-(3)-74—Airsignal International, Inc. (KKG601), C. P. to add antenna locations No. 2: 2901 Frick Road, Houston, Texas, Loc. No. 3: 401 Mayo Shell Road, Houston, Texas and Loc. No. 4: East Hampton Circle, Houston, Texas and operating



on 35.22 MHz at each location. (1-way signaling.)

20167-C2-P-74—General Telephone Co. of the Southwest (KKG996), C. P. to change antenna system, location and power. Also to relocate Loc. No. 1 to Location No. 2 operating on 152.51 MHz at 301 South Amherst Street, Perryton, Texas.

Renewal of License expiring July 1, 1973.  
TERM: July 1, 1973 to July 1, 1978.

Licensee Call Sign  
Millington Telephone Co., Inc. KIY442

#### CORRECTION

5401-C2-P-(2)-73—Auto Phone Service (KIB384). Correct to read: Major Amendment to 1766-C2-P-72. All other particulars are to remain as reported on PN No. 633 dated January 29, 1973.

#### RURAL RADIO SERVICE

60026-C6-P-74—Southern Radio-Phone, Inc. (New), C.P. for a new rural subscriber station to operate on 158.55 MHz at a temporary-fixed location.

60038-C6-P/L-74—RCA Alaska Communications, Inc. (New), C.P. and License for a new rural subscriber station to operate on 459.45 MHz at Bristol Bay, Borough Bay, Naknek, Alaska.

60039-C6-P/L-74—RCA Alaska Communications, Inc. (New), C.P. and License for a new central office station to operate on 454.45 MHz at King Salmon, King Salmon (RCA), Alaska.

60040-C6-P-74—Continental Telephone Company of California (New), C.P. for a new rural subscriber station to operate on 157.80 MHz at No. 10 Waver Place, Lucerne Valley, California.

60041-C6-P-74—Bruce Graham (New), C.P. for a new rural subscriber station to operate on 158.55 MHz at a temporary-fixed location.

#### POINT TO POINT MICROWAVE RADIO SERVICE

401-C1-P-74—United Video, Inc. (New), 3.0 Miles SW. of Taylorville, Illinois (Lat. 39°30'43" N., Long. 89°15'02" W.), C.P. to add (reinstate) frequency 6152.8V MHz toward Springfield, Illinois, on azimuth 313°37'. (Note: A waiver of Section 21.701 (1) is requested by United.)

402-C1-P-74—General Telephone Company of the Southwest (New), 249 South Houston Street, Aransas Pass, Texas. Lat. 27°54'14" N., Long. 97°08'45" W., C.P. for new station on frequency: 6197.2V MHz toward Port Aransas, Texas on azimuth 135°6'.

403-C1-P-74—Same. (New), 219 Avenue C, Port Aransas, Texas. Lat. 27°49'48" N., Long. 97°03'47" W., C.P. for new station on frequency: 5945.2V MHz toward Aransas Pass, Texas on azimuth 315°9'.

404-C1-P-74 (KNK45)—Frank K. Spain d/b/a Microwave Service Company, Edom Hill, 4 miles NW. of Thousand Palms, California, Lat. 33°51'58" N., Long. 116°26'03" W., C.P. to change frequency 6512.5V MHz to 10875H MHz toward Palm Springs, Calif. (KMIR Studio) Part 21.100(d) waived.

7944-C1-P-73 (KNK45)—Frank K. Spain d/b/a Microwave Service Company, Edom Hill, 4 miles NW. of Thousand Palms, California, Lat. 33°51'58" N., Long. 116°26'03" W., C.P. to change frequency 6475.0H MHz to 10955V MHz toward Palm Springs, Calif. (KPLM Studio) Part 21.100 (d) waived.

405-C1-P-74—Michigan Bell Telephone Company (KQM40), State of Michigan. Application for Renewal of Radio Station for Term: September 28, 1973 to September 28, 1974.

407-C1-P-74—Southern Bell Telephone and Telegraph Company (KIV59), 111 East 5th Street, Panama City, Fla. Lat. 30°09'26"

N., Long. 85°39'34" W., C.P. to change antenna system, add pts. of communication, transmitter and frequency 3710V MHz toward Lullwater Beach, Fla. on azimuth 288°28'.

408-C1-P-74—Same. (New), Junction of S. Rd. 30-A and St. Rd. S-30-F, NW. of Panama City Beach, Fla. Lat. 30°12'56" N., Long. 85°51'40" W., C.P. for a new station on frequencies: 3750V MHz toward Panama City, Fla. on azimuth 108°22'; 3750V, 3830V MHz toward Bruce, Fla. on azimuth 325°34'; 6152.8V toward San Blas, Fla. on azimuth 120°06'.

409-C1-P-74—Continental Telephone Company of California. (KNL62), Orleans, Calif. Lat. 41°18'03" N., Long. 123°32'34" W., C.P. to replace transmitter and change freq. 6215H MHz to 6197.2H MHz toward Orleans Passive Reflector on azimuth 65°49'.

410-C1-P-74—Same. (KMZ75), Horse Mountain, SW. of Willow Creek, California. Lat. 40°52'29" N., Long. 123°43'55" W., C.P. to replace transmitter and change freq. 6095H MHz to 6093.5H MHz toward Orleans Passive Reflector on azimuth 22°25'.

411-C1-P-74—Northwestern Bell Telephone Company. (KAJ75), 16th Avenue and 7th Street SW., Minot, North Dakota, C.P. to add frequency: 5974.8V toward Benedict, N.D. on azimuth 152°47' and change antenna location to Lat. 48°13'07" N., Long. 101°18'13" W.

412-C1-P-74—Same. (KAM33), 1823 16th Street North, Bismarck, North Dakota. Lat. 46°49'32" N., Long. 100°46'00" W., C.P. to add frequency 3990H MHz toward Wilton, North Dakota on azimuth 355°43'.

413-C1-P-74—Same. (KAX41), 1.5 Miles SW. of Wilton, North Dakota, Lat. 47°08'32" N., Long. 100°48'05" W., C.P. to add frequencies: 3950H MHz toward Underwood, North Dakota on azimuth 329°02'; 3870H MHz toward Bismarck, North Dakota on azimuth 175°42'.

414-C1-P-74—Same. (KAX42), 2 Miles NE. of Underwood, North Dakota, Lat. 47°28'43" N., Long. 101°05'58" W., C.P. to add frequencies: 3990H MHz toward Benedict, North Dakota on azimuth 1°57'; 3910H MHz toward Wilton, North Dakota on azimuth 148°49'.

415-C1-P-74—Same. (KAX43), 6.5 Miles N. of Benedict, North Dakota, Lat. 47°55'20" N., Long. 101°04'37" W., C.P. to add frequencies: 3870H MHz toward Underwood, North Dakota on azimuth 181°58'; 63.5.9H MHz toward Minot, North Dakota on azimuth 332°57' and relocation of antenna.

416-C1-P-74—Eastern Microwave, Inc. (KEM58), Helderberg Mtn., 1.75 Miles NW of New Salem, New York. Lat. 42°38'12" N., Long. 73°59'35" W., C.P. to add frequencies 11625.0H MHz and 11305.0H MHz toward Schenectady, New York, via Passive Reflector at Schenectady, New York on azimuth 50°101'.

417-C1-P-74—TelePrompster Transmission of Oregon, Inc. (KPC73), Roman Nose, 6.75 Miles SSW. of Richardson, Oregon. Lat. 43°54'44" N., Long. 123°44'14" W., C.P. to add frequencies: 5997.1V MHz and 6056.4V MHz toward Baldy Butte, Ore., on azimuth 210°53'; make changes in antenna system.

418-C1-P-74—Same. (KPC72), Baldy Butte, 7 miles NE. of North Bend, Oregon. Lat. 43°28'42" N., Long. 124°06'24" W., C.P. to add frequencies: 6204.7H MHz and 6382.6H MHz toward Reservoir Hill, Oregon, on azimuth 221°19'. (Note: A waiver of Section 21.701(1) is requested by Tele-Prompter.)

#### Corrections

311-C1-P-74—American Telephone and Telegraph Company. (KKN22). Correct to read

C.P. to add frequency 3870H toward Star, Mississippi. (All other particulars same as reported in Public Notice No. 660, dated August 6, 1973.)

[FR Doc. 73-17996, Filed 8-23-73; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. CP74-36]

### ARKANSAS LOUISIANA GAS CO.

#### Notice of Application

AUGUST 14, 1973.

Take notice that on August 8, 1973, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP74-36 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Mississippi River Transmission Corporation (Mississippi), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Mississippi is currently authorized to sell approximately 3,480 Mcf of gas per day to it at an existing delivery point near Crossett, Ashley County, Arkansas. Pursuant to a contract dated August 8, 1972, Mississippi will deliver up to an additional 500 Mcf of gas per day to Applicant at the Crossett delivery point and Applicant proposes simultaneously to redeliver thermally equivalent volumes to Mississippi at an existing point of interconnection between Applicant's and Mississippi's pipelines near Sherrill, Jefferson County, Arkansas.

The purpose of the proposed exchange of gas is to permit Applicant to render additional gas distribution to Crossett, Arkansas, pursuant to the order issued May 29, 1973, by the Arkansas Public Service Commission directing said additional service.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required



herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-17941 Filed 8-23-73;8:45 am]

[Project No. 2534]

#### BANGOR HYDRO-ELECTRIC CO.

##### Notice of Application for Amendment of License

AUGUST 15, 1973.

Public notice is hereby given that application for amendment of license was filed March 13, 1973, supplemented May 15, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Bangor Hydro-Electric Company (Correspondence to: Mr. Earle R. Webster, Executive Vice President, Bangor Hydro-Electric Company, 33 State Street, Bangor, Maine 04401), for its Milford Project No. 2534, located on the Penobscot River, a navigable waterway of the United States, in the City of Old Town and Town of Milford, Penobscot County, Maine.

Applicant proposes to convey in fee to the State of Maine, Department of Transportation, and exclude from the project 0.17 acre of project lands to widen a State highway right-of-way (Gilman Falls Road). The land involved is part of the Gilman Falls Dam site at the Milford Project and is presently used as a roadside ditch. In addition, Applicant proposes to grant a slope easement of 0.16 acre and grading rights of 408 square feet (.0025 acre) on adjacent project property.

The roadway would be 40 feet wide comprising two 12' wide bituminous travel lanes with an 8' wide gravel shoulder on each side.

Any person desiring to be heard or to make protest with reference to said application should on or before October 1, 1973, file with the Federal Power Commission, Washington, DC 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.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-17944 Filed 8-23-73;8:45 am]

[Docket No. RP72-113]

#### COLORADO INTERSTATE GAS CO.

##### Notice of Filing of Gas Tariff

AUGUST 16, 1973.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on August 3, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. CIG states that Substitute Original Sheet Nos. 5, 6, and 66, replacing Original Sheet Nos. 5, 6, and 66, were filed pursuant to the Commission's Order Approving Settlement Agreement with a Condition and Rejecting a Protest which was issued July 5, 1973. In accordance with Ordering Paragraph E of the Commission's July 5, 1973 Order, the substitute sheets reflect rates which exclude the jurisdictional portion of coal option payments totaling \$200,000, according to CIG's statement.

The Company states that revenues collected in excess of the adjusted settlement rates since October 1, 1972, will be refunded, with interest at 7 percent, to its jurisdictional customers.

CIG further states that copies of the filing were served upon the Company's jurisdictional customers and certain public bodies.

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 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 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-17942 Filed 8-23-73;8:45 am]

[Docket No. RP73-86]

#### COLUMBIA GAS TRANSMISSION CO.

##### Notice of Extension of Time

AUGUST 16, 1973.

On August 13, 1973, Cincinnati Gas and Electric Company, The Dayton Power and Light Company, The Union Light, Heat and Power Company and West Ohio Gas Company filed a request for an ex-

tension of time to file a reply to the motion filed August 3, 1973, by Staff Counsel to initiate proceedings.

Upon consideration, notice is hereby given that the time is extended to and including August 31, 1973, within which answers may be filed to the above motion.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-17943 Filed 8-23-73;8:45 am]

[Dockets Nos. RP71-16, RP71-56, RP72-3 and RP 72-52]

#### MIDWESTERN GAS TRANSMISSION CO.

##### Notice of Extension of Time and Postponement of Hearing

AUGUST 15, 1973.

On August 2, 1973, Midwestern Gas Transmission Company filed a request for a change in the procedural dates fixed by order issued July 24, 1973, in the above designated matter. The request states that the proposed schedule is concurred in by staff counsel and the customer interveners.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Midwestern's Case-In-Chief, October 1, 1973.

Service of Staff's Case, October 29, 1973.

Service of Interveners' Cases, November 5, 1973.

Service of Midwestern's Rebuttal Case, December 3, 1973.

Hearing, December 18, 1973 (10:00 a.m., est).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-17946 Filed 8-23-73;8:45 am]

[Docket No. RP71-107 Phase I]

#### NORTHERN NATURAL GAS CO.

##### Notice of Petition for Declaratory Order

AUGUST 16, 1973.

Take notice that on August 8, 1973, Northwestern Public Service Company (Northwestern) filed in the above-entitled proceeding pursuant to section 1.7(c) of the Commission's Rules of Practice and Procedure a petition for a declaratory order requiring the inclusion in the "Directory of Communities Served" of Northern Natural Gas Company (Northern) of two industrial customers of Northwestern, each of whom is currently entitled to receive from Northwestern maximum daily firm gas of 199.9 Mcf (in addition to certain interruptible volumes). Northwestern states that such order would assure that these firm sales will not be treated as interruptible sales under the curtailment provisions of section 9 of the General Terms and Conditions of Northern's FPC Gas Tariff.

In connection with the Commission's March 30, 1973, order herein stating that the intent of its October 2, 1972, order



approving Northern's settlement agreement regarding curtailment provisions was to preclude any shifting of interruptible loads to firm loads and directing implementation of Northern's curtailment on the basis of certified firm service set forth in Northern's "Directory of Communities Served." Northwestern states that without the same understanding of the Commission's October 2, 1972, order as stated in the aforesaid March 30, 1973, order, it contracted with two industrial customers for firm gas service. Northwestern further states that it did not understand the October 2, 1972, order as affecting its contracts for retail service if Northwestern's contract demand from Northern was not changed, which is here the case.

According to Northwestern, it consummated a contract on October 6, 1972, for a maximum daily firm gas sale of 199.9 Mcf (in addition to interruptible volumes) to the Peavey Company for its plant at De Smet, South Dakota. The contract was agreed upon in principle in September 1972, when service commenced, but the formal contract was not executed until October 6, 1972. On December 20, 1972, Northwestern contracted to sell an identical maximum daily volume of firm gas to the 3M Company for its medical products plant at Brookings, South Dakota. The December 20, 1972, contract superseded a 1970 contract and reflected an increase in the daily firm gas volumes. Northwestern states that Northern has refused to include the firm service to these two customers in its "Directory of Communities Served" because the contract dates are after the October 2, 1972, deadline prescribed by the March 30, 1973, order.

Northwestern asserts that it undertook the above-mentioned firm services from its contract demand in effect on October 2, 1972, and that the firm service provided to these two customers does not affect the "delicate balance of the equities and economics" of Northern's curtailment program with which the Commission was concerned in its March 30, 1973, order when it fixed the October 2, 1972, deadline.

Any person desiring to be heard or to make any protest with reference to said filing of Petition for Declaratory Order should on or before August 31, 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 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 filing which was made with the Commission is available for public inspection.

**KENNETH F. PLUMB,**  
Secretary.

[FR Doc. 73-17947 Filed 8-23-73; 8:45 am]

[Docket No. ID-1566 et al.]

**MICHAEL R. WHITLEY ET AL.**

#### Notice of Applications

AUGUST 16, 1973.

Take notice that the following applications were filed on the stated dates, 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 applications should on or before September 3, 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 available for public inspection.

Filing date	Producer	Rate schedule No.	Buyer	Area
8-2-73...	Texaco, Inc., P.O. Box 2420, Tulsa, Okla. 74102.	12	Northern Natural Gas Co.....	Hugoton-Anadarko.
8-8-73...	HNG Oil Co., P.O. Box 767, Midland, Tex. 79701.	9	Transcontinental Gas Pipe Line Corp.	Texas Gulf Coast.

[Docket No. CP74-38]

**TEXAS EASTERN TRANSMISSION CO.**

#### Notice of Application

AUGUST 16, 1973.

Take notice that on August 9, 1973, Texas Eastern Transmission Corpora-

Docket No.	Name of applicant	Date filed	Name of company
ID-1566...	Michael R. Whitley.	Aug. 25, 1973	Kentucky Utilities Co. Old Dominion Power Co.
ID-1625...	James W. Bradley.	.....do.....	Kentucky Utilities Co. Old Dominion Power Co.
ID-1706...	Orion M. Goodlett.	.....do.....	Kentucky Utilities Co. Old Dominion Power Co.

**KENNETH F. PLUMB,**  
Secretary.

[FR Doc. 73-17945 Filed 8-23-73; 8:45 am]

[Rate Schedule No. 12, et al.]

**TEXACO INC., ET AL.**

#### Notice of Rate Change Filings

AUGUST 16, 1973.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of ventaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before August 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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 party 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.

**KENNETH F. PLUMB,**  
Secretary.

[FR Doc. 73-17948 Filed 8-23-73; 8:45 am]

tion (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP74-38 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 an additional point in Westmoreland



[Project No. 2722]

[Docket No. R-405]

**UTAH POWER AND LIGHT CO.**  
**Notice of Application for License for**  
**Constructed Project**

AUGUST 16, 1973.

Public notice is hereby given that application for a major license was filed May 3, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by Utah Power and Light Company (Correspondence to: Mr. Sidney G. Baucom, P.O. Box 899, Salt Lake City, Utah 84110) for Pioneer Project No. 2722, located in the City of Ogden, Weber County, Utah, on the Ogden River.

The Pioneer Project is operated by diverting water from the impoundment of the U.S. Reclamation Bureau's Pineview Dam through a wood stave pipeline to a surge tank. The pipeline, which is 6 1/4 feet in diameter and approximately 5.5 miles long, is jointly owned by Applicant and the U.S. Bureau of Reclamation.

The project, which has an installed capacity of 5,000 kw, consists of: (1) a surge tank at the mouth of Ogden Canyon where the power water enters the penstock; (2) a riveted steel penstock 6 feet in diameter and 4,000 feet long, which bifurcates near the powerhouse; (3) a concrete and brick powerhouse containing two 2,500 kw units; (4) transformer facilities located within the powerhouse; (5) a tailrace canal approximately 3,000 feet long; and (6) all other facilities appurtenant to the operation of the project.

Applicant states that, because of its limited property ownership, there are no plans for recreational facilities at the Pioneer plant. Applicant further submits that there is no way in which recreational use could be made of project waters. Two upstream reservoirs owned by the U.S. Bureau of Reclamation feature a variety of recreational uses and serve as fishery resources.

The power generated at the Pioneer Project is distributed by Applicant to customers in Idaho, Utah, and Wyoming.

Any person desiring to be heard or to make protest with reference to said application should on or before October 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to 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.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.73-17950 Filed 8-23-73;8:45 am]

**RELIABILITY OF ELECTRIC AND GAS**  
**SERVICE**

**Order Updating Nationwide Investigation;**  
**Correction**

AUGUST 14, 1973.

Attached is a page from Appendix B-8 which was inadvertently omitted from the order issued August 1, 1973, in Docket No. R-405.

KENNETH F. PLUMB,  
*Secretary.*

**APPENDIX B-8**

Consistent with procedures of the Committee on Natural Gas Reserves of the American Gas Association, Proved Reserves do not include the "portions of the reservoir hydrocarbon gas recovered in liquid form in surface separators or plant facilities."

*Proved Natural Gas Reserves Available for Sale* shall be reported as the reporting company's working interest including royalty. The volumes held "available for sale" are those which are not covered by gas purchase contracts and are not reserved for direct industrial contracts, company use-warranty gas or company use-fuel and feedstock.

<sup>2</sup> Arkansas is divided between North and South by base line separating townships North and South.

<sup>3</sup> Offshore areas shall be measured from the coastline seaward.

<sup>4</sup> Oklahoma is divided between Eastern and Western Oklahoma by the central Oklahoma Indian Meridian separating Ranges E and W. Western Oklahoma is further divided between Hugoton and Anadarko by the Panhandle Meridian separating Ranges E and W.

<sup>5</sup> Includes Alabama, Arizona, Florida, Iowa, Maryland, Minnesota, Missouri, South Dakota, Tennessee, and Washington.

[FR Doc.73-17940 Filed 8-23-73;8:45 am]

**FEDERAL RESERVE SYSTEM**  
**FORT WORTH NATIONAL CORP.**

**Order Approving Acquisition of Bank**

The Fort Worth National Corporation, Fort Worth, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent all of the voting shares (less directors' qualifying shares) of The First State Bank of Stratford, Stratford, Texas.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received.

Applicant controls six banks<sup>1</sup> with aggregate deposits of about \$978 million, representing 2.5 per cent of the total deposits of commercial banks in the State. Applicant ranks as the fifth largest bank holding company and the sixth largest

<sup>1</sup> Bank of Fort Worth, Riverside State Bank, and Tarrant State Bank, all located in Fort Worth, are deemed subsidiaries for purposes of the Bank Holding Company Act by virtue of Applicant's fiduciary holdings in said banks and Section 2(a)(5)(A) of the Act.

County, Pennsylvania, for the delivery of natural gas in interstate commerce to T. W. Phillips Gas and Oil Company (Phillips), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is presently authorized to deliver up to 7,000 Mcf of gas per day to Phillips at two existing delivery points in Westmoreland County. Applicant proposes to construct and operate an additional delivery point consisting of two taps, valves, and measuring and regulating stations. It is stated that deliveries through the existing and proposed delivery points will not exceed the total volume presently authorized nor will the volumes of gas delivered exceed Phillips' quantity under Applicant's currently effective curtailment plan.

The total cost of the proposed facilities is \$54,000 which will be initially financed by Applicants with reimbursement by Phillips.

The purpose of the proposed facilities is to enable Phillips to implement its storage project by which gas purchased from Applicant will be injected in Phillips' storage well in Westmoreland County and withdrawn to meet winter peak demands on Phillips' system.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 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 in this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.73-17949 Filed 8-23-73;8:45 am]



banking organization in Texas and the largest in the Fort Worth Banking market, where it controls approximately 31 per cent of the total commercial bank deposits in that market. (All banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through July 15, 1973.) In addition, Applicant controls between 24.4 per cent and 24.9 per cent of the voting shares of two other banks located in the Fort Worth market, holding aggregate deposits of \$74.1 million. Applicant also owns in excess of 5 per cent of the shares of the First National Bank, Paducah, Texas. Upon consummation of the acquisition of Bank (\$21.6 million in deposits), Applicant's share of commercial bank deposits in the State would increase by 0.06 per cent and its rank would remain unchanged.

Bank is the sole banking organization in its market, which is approximated by Sherman County with a population of 3,657. Applicant's closest subsidiary is located approximately 80 miles south of Bank in Amarillo, Texas. Due to the distances involved, it appears that no meaningful competition exists between any of Applicant's subsidiary banks and Bank.

In view of Applicant's intention to expand into banking markets across the State, and since Bank is the only bank in the market, it would appear that conditions are attractive for *de novo* entry by Applicant. The attractiveness is diminished, however, by the fact that the ratio of population to banking offices in the Sherman County market is only 3,657, well below the Statewide average of 9,052, despite a 40 per cent increase in population from 1960 to 1970. In addition, Applicant is only one of a number of potential entrants into Bank's market and consummation of the proposal herein would have no adverse effect on the development of competition in this market in the future. On the basis of the record before it, the Board concludes that consummation of the proposed transaction will not have an adverse effect on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear satisfactory. The financial condition and managerial resources of Bank are fair; as a subsidiary of Applicant, Bank's prospects for future growth and service would be enhanced. Applicant has the financial and managerial resources to assist Bank in meeting the financial requirements of the larger businesses in Bank's market, such as those engaged in the cattle industry. The convenience and needs considerations of the community served by Bank are consistent with and lend some support for approval of this application. It is the judgment of the Board that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Board approves the ap-

plication, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,<sup>2</sup>  
effective August 16, 1973.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc. 73-17953 Filed 8-23-73; 8:45 am]

#### GENERAL FINANCIAL SYSTEMS

##### Order Approving Retention of Bank

General Financial Systems, Riviera Beach, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to retain 12,450 (24.9 per cent) of the voting shares of Tri-City Bank, Palm Beach Gardens, Florida (Bank).<sup>3</sup>

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, First Marine Bank & Trust Company (Riviera Bank), with deposits of about \$58 million, which represents approximately 6.5 per cent of total deposits in commercial banks in the West Palm Beach County banking market<sup>4</sup> and only about three-tenths of 1 per cent of all such deposits in commercial banks in Florida. In addition, Applicant owns between 15 per

cent and 24.9 per cent of the voting shares of each of eight other banks, with aggregate deposits of \$152 million, including four which are located in the West Palm Beach County banking market. In addition to the 12,450 shares of Bank which Applicant is applying to retain, two of Applicant's directors each own 100 shares (.3 per cent) of the outstanding voting shares of Bank.

Bank, with deposits of about \$7 million, is the 22nd largest of 27 commercial banks in the West Palm Beach County banking market. Although some service overlap exists between Bank and the other West Palm Beach County banks in which Applicant owns voting shares, such overlap involves chiefly commercial loans and real estate loans and apparently results, in large measure, from loan participations between Bank and such other banks. Riviera Bank and Bank are situated more than five miles apart, and there is but minimal competition between these two banks. Moreover, Bank, due to its size and location, does not appear to be an attractive vehicle for entry into the West Palm Beach County banking market, nor does it pre-empt an attractive entry site. Retention by Applicant of shares of Bank will not alter Applicant's market standing or enable Applicant to dominate any relevant market area.

The Board is advised that Applicant has previously engaged in certain non-banking activities through corporate interests which were spun off to its shareholders on September 30, 1972. However, certain director interlocks and indebtedness relationships continue to exist, with respect to the transferee of such interests. Under section 2(g)(3) of the Bank Holding Company Act, such relationships give rise to a presumption of control of the transferee by Applicant unless the Board, after opportunity for hearing, determines that Applicant is not, in fact, capable of controlling the transferee. Applicant has expressed a willingness to terminate those interlocks, and no significant competitive factors arise in relation to such non-banking activities and Applicant's banking interests through the instant application. Accordingly, the Board believes that the instant application may be approved without first determining the section 2(g)(3) control issue; such determination shall be made at a later date.

The financial and managerial resources of Applicant, Riviera Bank, and Bank are generally satisfactory. Considerations relating to the convenience and needs of the community are consistent with approval. It is the Board's judgment that retention is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.

<sup>2</sup> Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

<sup>3</sup> Applicant acquired subject shares on August 9, 1971, without prior Board approval. On June 30, 1971, the Board, in order to avoid impositions of undue hardship, published notice that any company which acquired a bank between December 31, 1970, and June 22, 1971, without first securing prior Board approval because of lack of knowledge of that requirement might file for such approval by August 31, 1971. Applicant, which became a bank holding company on December 31, 1970, apparently lacked knowledge of the Act's requirements at the time it acquired the shares of bank. Accordingly, the application was accepted and appropriate notice was published in the *FEDERAL REGISTER*.

<sup>4</sup> Applicant first submitted this application in June 1972. On December 14, 1972, the Board permitted withdrawal of the application on condition that an updated application be resubmitted by March 22, 1973 (subsequently extended to May 22, 1973).

<sup>5</sup> Approximated by the upper two-thirds of Palm Beach County. Banking data are as of June 30, 1972, unless otherwise indicated.



By order of the Board of Governors,<sup>4</sup>  
effective August 16, 1973.

[SEAL]

CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.73-17952 Filed 8-23-73;8:45 am]

#### SOUTH CAROLINA NATIONAL CORP.

##### Order Approving Acquisition of Provident Financial Corporation

South Carolina National Corporation, Columbia, South Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of the successor by merger to Provident Financial Corporation, Sanford, North Carolina, (Company) a company that engages in the activities of (1) consumer finance activities through wholly owned subsidiaries licensed in North Carolina and South Carolina, and in connection therewith acting as agent or broker in (a) the sale of credit life and credit accident and health insurance and (b) the sale of casualty insurance protecting property securing the subsidiaries' extensions of credit; (2) reinsuring credit life and credit accident and health insurance sold by the operating subsidiaries as agent or broker; (3) financing second mortgages and sale of monthly reducing term life insurance related thereto; and (4) financing insurance premiums for individuals on policies issued by unaffiliated insurance companies. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (9) and (10)). The company into which Company is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Company. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Company.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 10512). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank with aggregate deposits of \$664.6 million, representing 20.7 per cent of the total South Carolina commercial bank deposits. (All banking data are as of December 31, 1972). Applicant also controls one non-banking subsidiary, South Carolina Mortgage Corporation which makes second mortgage real estate loans.

Company has total assets of \$17 million. Its principal active subsidiary is First Provident Company, Inc. (First Provident) which engages in consumer finance activities through 25 subsidiaries located in North and South Carolina and

had total loans outstanding of about \$13 million as of June 30, 1972. Two other subsidiaries of Company, both of which operate in North Carolina only, are Provident Mortgage Company, Inc., a second mortgage real estate lender that makes loans to individuals only up to \$7,500, and Motor Credit Company of Dunn, Inc., which is licensed to make loans up to \$5,000 secured by motor vehicles. In addition, Company is engaged, through Premium Acceptance Company (a single office company located in Richmond, Virginia), in financing insurance premiums in Virginia for individuals on policies issued by unaffiliated agents and unaffiliated insurance companies. Company, through Southern Provident Life Insurance Company, Phoenix, Arizona, also reinsures credit life and credit accident and health insurance policies issued by unaffiliated companies to customers of Provident's lending subsidiaries. The insurance agency activities of all of Company's subsidiaries are as follows: First Provident, Motor Credit Company of Dunn, and Provident Mortgage Company all act as agents in the sale of credit life insurance in connection with their extensions of credit; the former two sell credit accident and health insurance, and First Provident also sells casualty insurance on pledged collateral.

Applicant is not engaged in consumer finance lending activities in North Carolina. In South Carolina, Applicant's banking subsidiary has offices in four counties in which First Provident also has offices. (In those counties, one office of First Provident opened in October 1972 and the other three offices had total approximate outstanding loans ranging from \$190,000 to \$270,000.) It appears that First Provident is engaged in making small, high risk, personal loans.<sup>1</sup> Consummation of the proposal would not appear to eliminate significant, existing competition or affect adversely the competitive situation in any relevant area. In view of First Provident's relatively small amount of total receivables, the number and size of intervening finance companies, and banks, and ease of entry in the consumer finance field, it appears that consummation will not likely have a significantly adverse effect on future competition, even though Applicant appears to possess resources to enter the market *de novo*. Nor does it appear that consummation will adversely affect the availability of funds to other consumer finance companies. Accordingly, the Board concludes that approval of the application insofar as it relates to the finance company subsidiaries of Company would not appear to have any significant adverse effect on existing or future competition.

<sup>1</sup> The maximum permissible interest charge in South Carolina for small loan companies apparently starts at a 36 per cent add-on rate for a \$100 loan, and drops steadily until the loan size reaches \$1,000. The effective add-on rate remains constant at 12 per cent for any loan up to \$4,000. For a 24-month installment loan, the annual percentage rate of interest is roughly 1 1/4 times the add-on rate.

There is no existing competition between Applicant and any of Company's subsidiaries engaged in insurance premium financing, reinsurance activities, and second mortgage real estate lending. Applicant does not appear to be a likely *de novo* entrant into these activities and, in any event, the share of business held by the subsidiaries is very small and significant future competition apparently will not develop. Accordingly, the Board concludes that approval of the application insofar as it relates to the reinsurance, premium financing, and second mortgage subsidiaries of Company would appear to have no significant adverse effect on existing or future competition.

Applicant's greater access to financial resources may assure Company of more ready access to funds and enable it to become a more effective competitor, and thus increase public convenience and stimulate competition with affiliates of larger regional and national financial organizations active in both the finance company and mortgage company industries in the relevant markets. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable with respect to the proposed finance company, mortgage company and insurance agency activities.

As in past cases where credit life and credit accident and health insurance underwriting activities were acquired, the Board must be satisfied that the public interest is met. Applicant has stated that the reinsurance subsidiary and the direct insurer, will (1) reduce the rates charged and (2) eliminate certain exclusions,<sup>2</sup> so as to achieve combined actuarially perceived benefits amounting to 20 per cent. It is the Board's judgment that these benefits to the public are consistent with approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. This transaction shall not be consummated later than three months after the effective date of this Order, unless such period is extended for good cause by the Board.

<sup>2</sup> Applicant will: (1) increase the age limit or remove it; (2) remove restrictions and exceptions on geographical limitations, military service, or intentionally self-inflicted injury, air travel, and use of narcotics and alcohol; (3) reduce or remove the incontestability clause; and (4) modify or remove the policy provisions relating to preexisting conditions.

<sup>4</sup> Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.



By order of the Board of Governors,<sup>1</sup>  
effective August 16, 1973.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.73-17954 Filed 8-23-73; 8:45 am]

#### UNITED BANKS OF COLORADO, INC.

##### Order Approving Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of United Bank of Skyline, National Association, Denver, Colorado (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 13 banks with aggregate deposits of \$880.5 million representing about 14.5 per cent of deposits of commercial banks in Colorado and is the second largest banking organization in the State.<sup>2</sup> Acquisition of Bank (deposits of \$4.5 million) would not significantly increase the concentration of banking resources in Colorado.<sup>3</sup>

Applicant has four banking subsidiaries including its lead bank in the relevant banking market.<sup>4</sup> However, existing competition between Applicant's banking subsidiaries and Bank is not substantial.

Bank was chartered on March 30, 1973, by the Comptroller of the Currency under emergency conditions as a successor organization to Skyline National

Bank (Skyline) which had experienced financial difficulties and was closed on March 26, 1973. The present management of Bank was brought in from other subsidiary banks of Applicant in contemplation of the acquisition of Bank by Applicant. Bank is located in the Skyline urban renewal area of Denver where extensive construction is already under way or planned, and as this area develops there will be increased need for Bank's services. On the other hand, during an interim period, it is important that Bank be supported by a strong organization such as Applicant since its growth potential is limited.

For all practical purposes, Bank may be considered a *de novo* bank; its deposits were \$6 million as of April 1973, but they declined to \$4.5 million in two months' time. Even this deposit figure may be overstated since a large part of this deposit base is made up of public funds and there is no certainty of renewal. Applicant controls about 18.5 per cent of the deposits in the relevant market, and the acquisition of Bank's deposits would add less than one-half of 1 per cent of market share to Applicant's control. Applicant would not be obtaining a dominant position in the market through acquisition of Bank since it would remain as the second largest banking organization in a market which has several other banking organizations of moderate size. Moreover, numerous independent banks would remain available in the market for acquisition by holding companies located outside the Denver area. The Board concludes that competitive considerations are consistent with approval of the acquisition.

The financial condition, managerial resources, and future prospects of Applicant and its subsidiary banks are regarded as satisfactory. Bank is entirely dependent upon the financial and managerial support of Applicant and with this support its prospects are favorable. This factor lends strong weight in support of approval. Factors related to the convenience and needs of the community to be served lend weight for approval of the acquisition since Applicant's acquisition of Bank will ensure that Bank will be able to provide continued service in a developing area of Denver. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>  
effective August 16, 1973.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.73-17955 Filed 8-23-73; 8:45 am]

#### BARNETT BANKS OF FLORIDA, INC.

##### Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Barnett Bank of North Pensacola, Pensacola, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 13, 1973.

Board of Governors of the Federal Reserve System, August 17, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc.73-17991 Filed 8-23-73; 8:45 am]

#### Proposed Acquisition of Ison Finance Corp. CITIZENS AND SOUTHERN NATIONAL BANK AND CITIZENS AND SOUTHERN HOLDING CO.

The Citizens and Southern National Bank and Citizens and Southern Hold-

<sup>1</sup> Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

<sup>2</sup> Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Absent and not voting: Governors Brimmer and Holland.

<sup>3</sup> All banking data are as of December 31, 1972, except where otherwise noted, and represent bank holding company formations and acquisitions approved by the Board through June 30, 1973.

<sup>4</sup> Deposit figures for Bank are as of June 1, 1973.

<sup>5</sup> The relevant banking market is approximated by Denver, Adams, Arapahoe, and Jefferson Counties.



ing Company, both of Atlanta, Georgia, have applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to acquire voting shares of Ison Finance Corporation, Atlanta, Georgia. Ison Finance Corporation does business, through various subsidiaries, as State Mortgage Company, Local Finance Company, Motor Credit Company, Employees Finance Company, Advance Loan and Finance Corporation, Dawson Loan Company, Bay Loan Corporation, Modern Credit Company, Alabama Industrial Finance Company, Central Finance Company, and Delta Loan Company, or variations of the foregoing. Notice of the applications was published on May 3, 4, 5, 6, 7, 8, or 17 respectively in the Daily Sentinel, a newspaper circulated in Scottsboro, Alabama;

Newspaper	City and State
The Times-Picayune	New Orleans, Louisiana.
The Mobile Press	Mobile, Alabama.
The Tuscaloosa News	Tuscaloosa, Alabama.
The Birmingham News	Birmingham, Alabama.
The Atlanta Constitution	Atlanta, Georgia.
The Montgomery Advertiser	Montgomery, Alabama.
The Tampa Tribune	Tampa, Florida.
The Miami Herald	Miami, Florida.
The Winston-Salem Journal	Winston-Salem, North Carolina.
The Charlotte Observer	Charlotte, North Carolina.
The State	Columbia, South Carolina.
The Macon News	Macon, Georgia.
The Florida Times-Union	Jacksonville, Florida.
The Sentinel Star	Orlando, Florida.
The Huntsville News	Huntsville, Alabama.
The Palm Beach Post	West Palm Beach, Florida.

Ison Finance Corporation's subsidiaries operate in each of the foregoing communities.

Applicant states that the proposed subsidiary would engage in the activities of making consumer loans and purchasing retail installment sales contracts from dealers in consumer goods. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this

matter should not be resolved without a hearing.

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 13, 1973.

Board of Governors of the Federal Reserve System, August 17, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.  
[FR Doc.73-17984 Filed 8-23-73;8:45 am]

#### DAWSON CORP.

##### Revised Proposal for Formation of Bank Holding Company

Dawson Corporation, Lexington, Nebraska, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (1)) to become a bank holding company through acquisition of 83.3 per cent or more of the voting shares of The Farmers State Bank, Lexington, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Dawson Corporation has also applied, pursuant to section 4(c) (8) of the Bank Holding Company Act, 12 U.S.C. 1843 (c) (8) and § 225.4(b) (1) of the Board's Regulation Y for permission to engage *de novo* in certain insurance activities to be conducted at the office of Applicant's proposed subsidiary, The Farmers State Bank, Lexington, Nebraska. Notice of such proposed activities was published in the May 14, 1973 edition of the *Dawson County Herald*, Lexington, Nebraska.

Applicant states that it will act as agent or broker with respect to insurance for itself and its subsidiaries and will engage in the sale of credit life and credit accident and health insurance and hail insurance directly related to extensions of credit by, or to other financial services of, Applicant's proposed banking subsidiary. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question of whether consummation of the proposal filed pursuant to section 4(c) (8) of the Act can "reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence which the requesting party proposes to submit or elicit at the hear-

ing and a statement of the reasons why the matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 29, 1973.

Board of Governors of the Federal Reserve System, August 17, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.  
[FR Doc.73-17985 Filed 8-23-73;8:45 am]

#### DOMINION BANKSHARES CORP.

##### Acquisition of Bank

Dominion Bankshares Corporation, Roanoke, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire all the voting shares (less directors' qualifying shares) of The First National Exchange Bank of Montgomery County, Blacksburg, Virginia (Bank), a proposed new bank. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 CFR 265).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act and the time for filing comments and views has expired. The Reserve Bank has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

As of December 31, 1972, Applicant controlled six banks operating 68 offices with aggregate deposits of \$807 million or 7.5 percent of total commercial bank deposits in Virginia. It has since opened one *de novo* bank. Inasmuch as Bank is a proposed new bank, no existing competition would be eliminated, nor would concentration be increased in any relevant area. Bank would be located in the Town of Blacksburg, Montgomery County, Virginia. The latter includes the Town of Christiansburg, the City of Radford and constitutes the relevant geographic market. Seven banks operate in the area, including two branches of Applicant's lead bank, The First National Exchange Bank of Virginia. These branches are located in the Town of Blacksburg and enjoy approximately 13 percent of total market deposits. Applicant proposes to cause The First National Exchange Bank of Virginia to spin off the assets of its Blacksburg branches which Bank will then acquire. Bank would be permitted to branch throughout the market. The First National Exchange Bank of Virginia cannot now and



will not be able to do so following the proposed transaction. Thus it appears that consummation of the proposal will not alter the competitive situation in the market nor the concentration of resources therein.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Prospects for Bank appear favorable. While Bank will not immediately offer a local alternative banking source within the area, it will under State law be able to expand within the geographic market, for which significant future growth is forecast. Considerations relating to the convenience and needs of the area to be served are consistent with approval of the application. It is the Reserve Bank's judgment that the proposed acquisition would be in the public interest and that the application may be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date, and (c) The First National Exchange Bank of Montgomery County, Blacksburg, Montgomery County, Virginia, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 16, 1973.

[SEAL] ROBERT P. BLACK,  
President.

[FR Doc.73-17981 Filed 8-23-73; 8:45 am]

#### FIRST WYOMING BANCORP.

##### Order Approving Formation of Bank Holding Company

First Wyoming Bancorporation, Kemmerer, Wyoming, has applied for the Board's approval under Section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of the First National Bank of Kemmerer, Kemmerer, Wyoming ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a newly organized company formed for the express purpose of acquiring Bank (\$20.7 million deposits).

(Banking data are as of December 31, 1972.) Bank, located in Kemmerer, Wyoming (population approximately 2,200), is the only commercial bank within 50 miles of Kemmerer. Since the purpose of the proposed transaction is to effect corporate ownership of Bank, there would be no adverse effects on competition in any relevant area, and competitive considerations are consistent with approval of the application.

The financial condition, managerial resources and future prospects of Applicant are dependent upon those same conditions as they exist in Bank. Although the financial condition of Bank is regarded as generally satisfactory, Applicant plans to provide Bank with additional equity capital, which should strengthen Bank. Managerial resources and future prospects of Bank are regarded as satisfactory, and consistent with approval of the application. There is no evidence that the proposal would have any immediate effect on the convenience and needs of the area served by Bank. However, Applicant's injection of equity capital will enable Bank to make larger loans. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> effective August 17, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc.73-17990 Filed 8-23-73; 8:45 am]

#### KEMMERER CORP.

##### Order Approving Transaction Under Bank Holding Company Act

The Kemmerer Corporation, New York, New York ("Kemmerer"), a registered bank holding company owning 46.7 percent of the voting shares of The First National Bank of Kemmerer, Kemmerer, Wyoming ("Bank"), has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a)(3)) to exchange the interest it holds in Bank for 50 percent or more of the voting shares of First Wyoming Bancorporation ("First Wyoming").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b)

<sup>1</sup> Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Kemmerer and its subsidiaries apparently engage in impermissible non-banking activities, not eligible for grandfather privileges under the Act. Kemmerer has indicated to the Board its intention to cease to be a bank holding company. Accordingly, on the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of First Wyoming to become a bank holding company, provided that Kemmerer cease to be a bank holding company within one year from the date of this Order. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> effective August 17, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc.73-17988 Filed 8-23-73; 8:45 am]

#### NBS FINANCIAL CORP.

##### Acquisition of Bank

NBS Financial Corporation of Southfield, Michigan, has applied for the Board's approval under Section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of National Bank of Royal Oak, Royal Oak, Michigan. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 13, 1973.

Board of Governors of the Federal Reserve System, August 17, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc.73-17982 Filed 8-23-73; 8:45 am]

#### NORTHWEST BANCORP.

##### Order Conditionally Approving Acquisition of T. G. Evensen & Associates, Inc.

Northwest Bancorporation, Minneapolis, Minnesota, a bank holding com-

<sup>1</sup> Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.



pany within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c) (8) of the Act and § 225.4(b) (2) of the Board's Regulation Y, to acquire all of the voting shares of T. G. Evensen & Associates, Inc., Minneapolis, Minnesota ("Evensen"), a company that engages in the activity of providing financial advice to State and local governmental units. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a) (5)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 F.R. 5775). The time for filing comments and views has expired, and the Board has considered all comments received, including those received at an oral presentation on the application, held at the Federal Reserve Bank of Minneapolis on October 17, 1972, in the light of the public interest factors set forth in section 4(c) (8) of the Act (12 U.S.C. 1843 (c)).

Applicant controls 79 banks<sup>1</sup> located in Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Iowa, with aggregate deposits of \$4.8 billion. Forty-nine of the banks are located in the State of Minnesota and together hold total deposits amounting to \$2.78 billion or approximately 24 percent of total commercial bank deposits in the State.<sup>2</sup> Applicant is the second largest banking organization in the State of Minnesota.

Evensen advises State and local governmental units in Minnesota, Wisconsin, North Dakota, South Dakota, Iowa, and Nebraska. More than 70 percent of its business derives from clients in the State of Minnesota, and, during 1971, Evensen advised on 20.8 percent of the bonds issued by State and local government units in Minnesota, based on the face amount of such bond issues. Evensen, with gross receipts of \$315,000 for its fiscal year ended September 30, 1971, ranks as the largest such bond adviser in Minnesota.

Although subsidiaries of Applicant engage in the underwriting of certain State and local government bond issues and the provision of related services to issuers of such securities, neither Applicant nor any of its subsidiaries engage in the business of providing advice concerning bond issuance to State and local governments. Evensen does not engage in the underwriting of bond issues nor any other activity engaged in by Applicant. Accordingly, consummation of the proposed transaction would have no adverse effect on existing competition in any line of commerce. To the contrary, such consummation may have a beneficial effect

on existing competition by foreclosing the possibility of a merger of Evensen with one of its existing competitors. Each of Evensen's principal competitors, prior to the making of this application, separately offered to acquire the shares that Applicant here seeks to acquire.

In the Board's opinion, Applicant is not a likely *de novo* entrant into State and local governmental bond issuance advising. The economic incentive for such entry is not great, as may be adduced from the fact that there are only six firms in the nation engaged solely in this line of commerce. Evensen itself has been in the business for forty-four years and is considered a major bond consultant in the Minneapolis area. Yet, its average annual earnings over the last five years approximate only \$47,000. The barriers to entry into the bond consultant business are high, not in terms of capital and licenses, but rather in terms of the degree of highly specialized expertise necessary to properly advise State and local governmental units on the issuance of bonds. It appears that successful advising requires a combination of skills in the assessment of financial needs of clients, familiarity with public finance, and tax laws, and a thorough and current knowledge of bond markets. In brief, considerably more is required of a qualified bond adviser than is required of a bond salesman. The Board has no doubt that Applicant has the financial and managerial resources to eventually develop the required expertise within its own organization. However, absent the hiring away of qualified personnel from existing firms, it may take a considerable time to do so and significant losses may be expected to be incurred during the start-up period. Given the lack of significant profit potential described above, it is the Board's judgment that the likelihood that Applicant will pursue the *de novo* route is remote.

Three competitors of Evensen and one bank engaged in the underwriting of State and local governmental bond issues (hereinafter collectively referred to as "the protestants") have opposed the subject application asserting that consummation of the proposed transaction would have the possible adverse effects of conflicts of interests, misuse of confidential information, and unfair competition. However, the protestants have expressly indicated that they in no way question the ethics or integrity of either Applicant or Evensen, which are of the highest order. Rather, their concern, as is that of the Bank Holding Company Act, is with "possible adverse effects". Briefly stated, the protestants contend that any affiliation between a bond issuance adviser and a bank holding company creates conflicts of interests, primarily between the advisory role and the roles of subsidiaries of the holding company as potential underwriters, paying agents, depositories of bond proceeds, and investment outlets for bond proceeds. In the case of any such affiliation, they contend, an economic incentive is present for the affiliated adviser to falsify, distort or withhold information from,

and color or frame advice to, State and local governmental units in such a way as to encourage those clients either to utilize the services of the affiliates of the adviser where independent advice and information would suggest otherwise or to take those services on terms or conditions less favorable to the client than might be obtainable by the client were it to receive objective advice. The protestants further contend that, as a result of the affiliation, Applicant's subsidiaries possibly would have access to confidential information, provided to Evensen by State and local governments, and that access to such information could give Applicant's subsidiaries unfair advantages over their competitors, particularly in the area of bidding on bond issues and the formation of underwriting syndicates. The consequence of such possibilities, should they come to fruition, would enable Applicant to subsidize the fees of Evensen with the revenues derived from such activities, according to the protestants, with the ultimate consequence of threatening the survival of the protestants that compete with Evensen. Thus, they contend, the affiliation creates a possibility for unfair competition.

Section 4(c) (8) of the Act directs the Board to consider "possible" adverse effects of proposed acquisitions. However, the amount of weight to be accorded to "possible" adverse effects in the balancing process that is contemplated by section 4(c) (8) depends directly upon the likelihood of the occurrence of such effects.<sup>3</sup> Presumably the business ethics of both Evensen and Applicant and the likelihood, attested to by both sides of the instant controversy, that, should an affiliated adviser engage in any of the questionable practices asserted by the protestants, its reputation would be so damaged as to bring into question its future business survival,<sup>4</sup> lessen the likelihood that possible conflicts of interest would be realized.

Of the more than 2,500 issues on which Evensen has advised over the past 43 years, 98 percent were sold on the basis of published invitation for competitive sealed bids. The competitors of Evensen that have objected to this application have admitted that they have had a similar experience. In fact, even where competitive bids are not required by law, it is Evensen's general practice, as well as that of the adviser industry generally, to recommend the use of competitive bid procedures in the case of all issues with general market appeal. Where such procedures are used, the ability of the adviser to unfairly influ-

<sup>1</sup> Statement of Board accompanying Order Conditionally Approving Proposal of NCNB Corporation to Operate a Trust Company in South Carolina, 1973 Fed. Res. Bulletin 305, at 396 (March 9, 1973).

<sup>2</sup> This may account for the fact that, despite the provision of advice to tax-exempt bond issuers by many municipal bond underwriters, the protestants, under direct questioning at the oral presentation, cited no actual instance of the abuses alleged.

<sup>3</sup> There is presently pending before the Board an application by Applicant to acquire one bank located in the State of Iowa, with aggregate deposits of approximately \$75 million. Applicant recently received approval to acquire two other banks in Iowa with deposits of \$43 million.

<sup>4</sup> Deposit data are as of December 31, 1972.



ence the issuer in the selection of an underwriter is therefore considerably diminished. However, where competitive bid procedures are not used, that is, where issues are sold by negotiation between the issuer and possible underwriters, the possibility of undue influence by the adviser is both obvious and real. The Board, therefore, in approving this application, conditions such action on Applicant and its subsidiaries refraining from participation in the sale of Evensen-advised issues that are not sold pursuant to competitive bids. In addition, in order to ensure the confidentiality of information in Evensen's possession, the Board conditions its approval on Evensen refraining from making any information with respect to its clients available to Applicant or its subsidiaries not available at the same time to others.

Conflicts of interests between Applicant's dual role as adviser-paying agent, adviser-depository, and adviser-investment outlet may arise if Evensen, as a subsidiary of Applicant, advises issuers as to the selection of paying agents, depositories, or investment outlets. However, it is Evensen's general practice and that of the adviser industry, generally, to recommend that the purchaser of the bonds, rather than the issuer, designate the paying agent. This being the case, it appears that Evensen has no influence over such designation. Similarly, it is Evensen's general practice to refrain from participation in the selection of depositories for the proceeds of bond issues, and, rather than recommend a particular interim investment for the proceeds of an issue until needed, to recommend that the issuer seek informal competitive bids for such proceeds and accept that bid providing the highest return. However, there is nothing to assure that Evensen's present practices in these regards would continue if the proposed transaction is consummated. Therefore, the Board conditions its approval of the instant application upon the continuation of these practices. Further, the Board believes that prospective clients should be alerted to the affiliation of Evensen and Applicant and also conditions its approval upon the requirement that such affiliation be clearly disclosed on all advertising and letterheads. In addition, in order to obviate any possibility that Evensen will compete unfairly with its other competitors, the Board conditions its approval upon the requirement that Evensen shall continue to offer its services on an explicit fee basis.

In accordance with the Congressional directive contained in section 4(c)(8), the Board has examined the public benefits that may be expected to result from approval of the application and finds that they outweigh any "possible adverse effects", especially in view of the conditions that the Board is imposing as part of its approval. In the Board's judgment, Applicant's acquisition of Evensen will enable Evensen to geographically expand into areas where issuers are not presently served by advisers. The benefit to the public from sound financial management of State and municipal finances is obvi-

ous, and needs no detailed explanation here; an expansion in the supply of competent financial advice to meet such needs is, therefore, a strong public benefit. Furthermore, consummation would make available to Evensen capital and other resources to maintain and increase Evensen's specialized staff, improve and expand its product market and, in some measure, provide an orderly solution to a management succession problem occasioned by the age of Evensen's founder and sole owner.

Before, during, and after the oral presentation held at the Federal Reserve Bank of Minneapolis, referred to above, protestants raised two procedural objections to the Board's processing of this application: (1) They contended the Board should have held a formal trial-type hearing with right to cross-examine and subpoena witnesses; and (2) that the Board's regulations (§ 225.4(a)(5) of Regulation Y) which permits bank holding companies, subject to the provisions of § 225.4(b), to provide financial advice to State and local governments, was improperly adopted and should be declared invalid. The Board believes that both of such contentions are without substance and, for the reasons hereinafter stated, protestants' requests that a formal hearing be held and for invalidation of § 225.4(a)(5) are denied.

Prior to 1970, section 4(c)(8) permitted the Board to act only "after due notice and hearing, and on the basis of the record made at such hearing by order \* \* \*". That section was specifically amended by the Bank Holding Company Act Amendments of 1970 to delete the requirement that the Board act only after a hearing and "on the basis of the record" at such hearing. Accordingly, since the hearing requirements of the Administrative Procedure Act apply only to a "case of adjudication required by statute to be determined on the record" (5 U.S.C. 554(a)), the Board does not believe a formal trial-type hearing is required where protests are filed to an application under section 4(c)(8) of the Act. Further, a review of the 196-page transcript of the oral presentation that was held at the Federal Reserve Bank of Minneapolis and the voluminous additional exhibits and briefs submitted by participants leads the Board to conclude that the Board's procedures in this case met the Congressional intention of providing "opportunity for hearing" in section 4(c)(8) of the Act and did not deprive the protestants of their "due process of law" rights provided by the Fifth Amendment to the United States Constitution. *Commercial National Bank of Little Rock v. Board of Governors of the Federal Reserve System*, 451 F. 2d 86 (8th Cir. 1971); *Kirsch v. Board of Governors of the Federal Reserve System*, 353 F. 2d 353 (6th Cir. 1965); and *Northwest Bancorporation v. Board of Governors of the Federal Reserve System*, 303 F. 2d 832 (8th Cir. 1962). In addition, protestants misconstrue the Board's Rules of Practice for Formal Hearings (12 CFR 263) as authorizing subpoena of witnesses.

Those Rules (12 CFR 263.7) authorize the subpoena of witnesses only where the statute, pursuant to which a formal hearing is held, authorizes subpoena of witnesses; the Bank Holding Company Act contains no such authorization.

The Board has also considered protestants' claim that they need the right of cross-examination to bring out certain information with respect to the application (transcript pages 157-59, and 172; protestants' Memorandum in Opposition to Application, pages 8, 13, and 19). The Board concluded that such issues are either immaterial to the Board's decision, are not susceptible to cross-examination, or have been rendered moot in light of the Board's conditional approval.

In sum, the Board concludes that protestants were given ample opportunity to be heard, that their views were fully considered and understood by the Board in reaching its decision, that they are not legally entitled to a formal trial-type hearing, and that it would have served no useful purpose to hold such a hearing in connection with this application.

In addition, protestants question the validity of the Board's action of June 6, 1972 (37 FR 11771) when it amended § 225.4(a)(5) of Regulation Y to, *inter alia*, specifically provide that bank holding companies may, subject to the procedures of § 225.4(b), "act as investment or financial adviser to the extent of . . . (v) providing financial advice to State and local governments, such as with respect to the issuance of their securities. Prior to the amendment, the Regulation was more generally worded and contained the word "including" after "acting as investment or financial adviser" rather than the more limiting term "to the extent of". At the time of the 1972 amendment, the Board stated that its purpose was "to indicate in more precise terms [the Board's] intent in permitting bank holding companies to act 'as investment or financial adviser' and that the Administrative Procedure Act requirements of notice and public participation "were not followed with respect to this matter because it clarifies rather than changes a substantive rule". A review of the history of this regulatory provision indicates that the requirements of the Administrative Procedure Act for notice and public comment and hearing were clearly followed by the Board with respect to the adoption of section 225.4(a) in 1971 and that the regulation, as then adopted, would have permitted the activity in question. Accordingly, and for other reasons, the Board is of the opinion that its 1972 action was within the exemption provided by section 553(b) of the Administrative Procedure Act for "interpretive rules" and that prior notice and public participation was unnecessary. *Continental Oil Co. v. Burns*, 317 F. Supp. 194 (D.C. Del 1970); *Garelick Mfg. Co. v. Dillon*, 313 F. 2d 899 (D.C.D.C. 1963); *Sav-On Drugs, Inc. v. Cunes*, 12 P & F Admin. Law 2d 848 (D.C.N.J. 1962). Furthermore, even assuming *arguendo* that the Board's 1972 action was invalid, protestants may not be heard



to complain because the Board has the authority to proceed with respect to applications under section 4(c)(8) "by order or regulation" and, as indicated above, protestants have had ample opportunity to participate in this proceeding.

Based upon the foregoing and other considerations reflected in the record,\* the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved, provided: (1) Evensen shall not make available to Applicant or its other subsidiaries any information with respect to its clients not available at the same time to others; (2) the affiliation of Evensen and Applicant shall be clearly disclosed on all advertising and letterheads; (3) Evensen shall continue to offer its services on an explicit fee basis; (4) where Evensen-advised issues are not to be sold pursuant to competitive bids, Applicant and its other subsidiaries may not participate in their sale; and (5) Evensen shall continue its practices of (i) recommending that the purchaser of the bonds be authorized to name the paying agent; (ii) refraining from participation in the selection of a depository for the bond proceeds; and (iii) recommending that the issuer obtain bids before selecting an interim investment outlet for bond proceeds. This order is also subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. The transaction shall not be consummated later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority granted herewith.

By order of the Board of Governors,<sup>2</sup> effective August 16, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc. 73-17986 Filed 8-23-73; 8:45 am]

#### PALMER BANK CORP.

##### Acquisition of Bank

Palmer Bank Corporation, Sarasota, Florida, has applied for the Board's ap-

proval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the following banks all located in Florida: Bradenton Palmer National Bank, Bradenton; Fort Myers Palmer National Bank, Fort Myers; and Naples Palmer National Bank and Trust Company, N. A., Naples, all proposed new banks. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than September 5, 1973.

Board of Governors of the Federal Reserve System, August 17, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc. 73-17983 Filed 8-23-73; 8:45 am]

#### PAN AMERICAN BANCSHARES, INC.

##### Order Approving Acquisition of Atico Financial Corp.

Pan American Bancshares, Inc., Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Atico Financial Corporation, Miami, Florida ("Atico Financial"), and thereby to indirectly acquire shares of Atico Advisory Corporation ("Atico Advisory"), and Construction Supervisory Services ("Construction Supervisory"), wholly owned subsidiaries of Atico Financial. Atico Advisory engages in the activity of acting as investment adviser to Atico Mortgage Investors, a publicly-owned real estate investment trust. Construction Supervisory engages in the activity of inspecting the progress of real estate construction projects and disbursing progress payments principally in connection with loans originated or serviced by bank or nonbank subsidiaries of Applicant. Such activities have been determined by the Board to be closely related to the business of banking. (12 CFR 225.4(a)(5), (1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public

interest factors has been duly published (38 FR 3013).<sup>3</sup>

Applicant controls eleven banks with aggregate deposits of approximately \$437 million representing 2.2 percent of the total commercial bank deposits in Florida. Applicant's lead bank, Pan American Bank of Miami, holds \$144 million in deposits. (All banking data are as of December 31, 1972.) One of Applicant's banking subsidiaries has a nonbanking subsidiary engaged in mortgage banking.

Atico Financial, which has total assets of \$21.4 million, is primarily a holding company with its operating activities conducted through its four subsidiaries.

Atico Advisory, with its only office in Miami (Dade County), Florida, acts as the sole investment adviser to Atico Mortgage Investors ("Investors"), a publicly-owned, real estate investment trust primarily engaged in the business of making large construction and development loans for its own portfolio. Since Atico Advisory performs solely under an exclusive agreement with Investors, there is no competition from other investment advisory firms. However, Atico Advisory does compete with many other real estate investment trust advisory firms on a national scale in respect to the solicitation of mortgage loan applications and competes to a lesser extent with mortgage bankers and commercial banks with respect to the solicitation of real estate construction and development loans. Neither Applicant nor any of its subsidiaries are currently engaged in providing investment adviser services.

Construction Supervisory, with its only office located in Miami (Dade County), Florida, engages in the activity of inspecting the progress of real estate construction projects and disbursing progress payments principally in connection with loans originated or serviced by bank or nonbank subsidiaries of Applicant, for Atico Advisory, or for the public. Neither Applicant nor any of its subsidiaries are currently engaged in providing such services.

The relevant product market in which the Board analyzes the competitive aspects of the proposed transaction is construction and development lending

<sup>3</sup> The published notice of this application included notice of a related application to acquire Atico Insurance Agency, Inc. ("Atico Insurance"), another subsidiary of Atico Financial, and thereby to engage in certain insurance activities. However, in light of objections to these insurance activities, Applicant requested that the Board consider the applications separately. Atico Financial has arranged a divestiture to an independent purchaser with a repurchase agreement to become effective upon Board determination that the agency may be owned by Applicant. Applicant's request for Board approval to acquire Atico Insurance is pending the outcome of hearings ordered by the Board. Accordingly, the Board's Order herein deals only with the proposed acquisition of Atico Financial and two of its subsidiaries, Atico Advisory and Construction Supervisory.

\* Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

<sup>2</sup> Voting for this action: Chairman Burns and Governors Daane, Sheehan, Bucher, and Holland. Voting against this action: Governor Brimmer. Absent and not voting: Governor Mitchell.

<sup>1</sup> Applicant has also submitted a section 4(c)(13) application for the acquisition of another subsidiary of Atico Financial, Aseguradora Suizo Americana, S.A., a general insurance underwriter in Guatemala City, Guatemala. By a separate letter of this date, Applicant was informed that if Atico is acquired, Applicant will be required to divest itself of this insurance company within one year from the date of consummation.



since both Investors\* and several of Applicant's Subsidiaries make large construction loans on income property. Investors and Applicant's lead bank both originated large construction loans in Dade County in 1971. Approximately one-third of Investors' total commitments in 1971 were in Dade County. Investors' average loan commitment in Dade County in 1971 was more than \$2.0 million; Applicant's lead bank's average commitment on similar types of loans was \$1.2 million. Because the relevant market for those loans is broader than Dade County\* and because many large organizations compete in that market, consummation of the proposal would have no significantly adverse effect on competition. The proposed transaction would eliminate Investors as a competitor of Applicant in Dade County only; other than Dade County, Investors did not originate loans in areas where Applicant's subsidiaries operate.

Since Atico Financial is already closely related to Applicant and its subsidiaries,\* its acquisition by Applicant is not likely to affect the services offered by Applicant's subsidiaries. Financial factors are consistent with and, in fact, lend some weight to approval in view of the beneficial effect Atico Financial's portfolio of high-grade marketable securities should have on the liquidity and earnings capacity of Applicant. As a result thereof Applicant's ability to provide contributions of capital to its subsidiaries to the extent needed will be strengthened. There is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects.

Based upon the foregoing and other considerations reflected in the record,

\* Although Investors is not a subsidiary of Atico Financial, Atico Financial has considerable influence over Investors' decisions due to the fact that Investors' sole adviser, Atico Advisory, is a subsidiary of Atico Financial.

\* The market for such loans is at least regional.

\* Applicant's lead bank and Investors are both small in comparison with other construction and development lenders in the Nation. The combined total of Investors and Applicant's lead bank's commitments in Dade County in 1971 (\$52.6 million) was only 11 percent of the total of approximately \$500.8 million of construction contracts awarded for nonresidential and multifamily residential buildings.

\* Applicant was organized in April 1968 as a wholly-owned subsidiary of Atico Financial. By order dated February 3, 1969, the Board approved Applicant's application to become a bank holding company through the acquisition of control of three Florida banks from Atico Financial. Atico Financial presently owns approximately 19 percent of the shares of Applicant and directors of Applicant own approximately 61 percent of the voting shares of Atico Financial. In addition, certain directors and officers of Atico Financial serve in similar capacities with Applicant and its lead bank.

the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. The transaction shall be consummated not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,  
effective August 16, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.  
[FR Doc.73-17969 Filed 8-23-73;8:45 am]

### NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-439]

#### AIRCRAFT ACCIDENT AT BOSTON, MASS. Notice of Hearing

In the matter of investigation of accident involving Delta Air Lines, Inc., Douglas DC-9-31 of United States Registry N975NE at Boston, Massachusetts, July 31, 1973, Docket No. SA-439.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m. (local time), on September 18, 1973, in the Suburban Ballroom of the Holiday Inn, Peabody, Massachusetts.

Dated this 20th day of August 1973.

[SEAL] JAMES W. KUEHL,  
Hearing Officer.  
[FR Doc.73-17970 Filed 8-23-73;8:45 am]

### OFFICE OF TELECOMMUNICATIONS POLICY

#### FREQUENCY MANAGEMENT ADVISORY COUNCIL

##### Notice of Public Meeting

Notice is hereby given that the Frequency Management Advisory Council will meet at 10:00 a.m. on Wednesday, September 5, 1973, in Room 712, 1800 G Street NW., Washington, D.C.

The principal agenda items will be a continued discussion of the progress of preparation for the 1974 ITU Maritime WARC, the development of an FMAC study program in support of its advisory role to OTP, and a briefing on Depart-

\* Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

ment of Commerce (Office of Telecommunications) support to OTP in the frequency management area.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting and other information pertaining to the meeting may be obtained from Mr. L. R. Raish, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-5623).

Dated: August 21, 1973.

BRYAN M. EAGLE,  
Advisory Committee  
Management Officer.

[FR Doc.73-17966 Filed 8-23-73;8:45 am]

### SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-V; Amdt. 2]

#### CHIEFS, DISTRICT BORROWER SERVICES DIVISION, ET AL.

##### Delegation of Authority

Delegation of Authority No. 30-V (37 FR 17607), as amended (38 FR 8022) is hereby further amended to read as follows:

#### PART IV—LOAN ADMINISTRATION (LA) PROGRAM

SECTION A. Loan administration, servicing, collections, and liquidation authority.

1. \* \* \*

a. \* \* \*

(5) Chiefs, District Borrower Services Division.

(6) Branch Managers, Springfield, Illinois, Milwaukee, Wisconsin, and Cincinnati, Ohio.

b. \* \* \*

(2) Supervisory Loan Officers, District offices, if assigned.

(3) Branch Manager, Marquette, Michigan.

(4) Deleted

c. \* \* \*

2. \* \* \*

3. \* \* \*

f. Chiefs, District Borrower Services Division.

Sec. B. Loan administration, servicing and collection authority.

1. \* \* \*

a. \* \* \*

(1) Deleted

2. \* \* \*

h. \* \* \*

(1) \* \* \*

(c) Branch Loan Officers.

(2) Concerning all direct and participation loans. Not applicable.

Sec. C. Lease guarantee administration and servicing authority.

\* \* \*



Sec. D. Section 406 contract management authority.

Effective date.—August 13, 1973.

ROBERT A. DWYER,  
Regional Director Region V.

[FR Doc.73-17959 Filed 8-23-73;8:45 am]

[License No. 05/05-5095]

#### MVC, INC.

#### Issuance of License To Operate as a Small Business Investment Company

On July 5, 1973, a notice was published in the FEDERAL REGISTER (38 FR 17887) stating that MVC, Inc., located at Suite 402, First Bank Building, 133 South Main, South Bend, Indiana 46601, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.701 (1973) for a license to operate as a small business investment company under the provisions of sec. 301(d) of the Small Business Investment Act of 1958 (the Act).

The period for comment ended July 20, 1973.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 05/05-5095 to MVC, Inc., pursuant to said Sec. 301(d) of the Act.

Dated: August 16, 1973.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.73-17958 Filed 8-23-73;8:45 am]

#### WESTERN CAPITAL CORP.

[License No. 06/10-0075]

#### Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701) (1973) for transfer of control of Western Capital Corporation (Western) 2123 First National Bank Tower, Dallas, Texas 75202, a Federal Licensee under the Small Business Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.).

Western which was licensed on October 9, 1961, will have paid-in capital and paid-in surplus from private sources of approximately \$307,356. The transfer of control is being made pursuant to purchase and sales agreements between Western, acting as trustee for its stockholders and Harold L. Knop, 1319 Davis Building, 1309 Main Street, Dallas, Texas 75202.

The proposed transfer of control is subject to and contingent upon approval of SBA.

After the proposed transfer of control, the officers, directors and principal stockholders are as follows:

Harold L. Knop, 5110 Redbrook Place, Dallas, Texas 75220, Director, President, Treasurer, Doris R. Knop, 5110 Redbrook Place, Dallas, Texas 75220, Director, Vice President, and Secretary, William H. Hollweg, 4327 Bobbitt Drive, Dallas, Texas 75229, Director, Assistant Secretary.

Harold L. Knop will own 100% of the Licensee's stock.

It is contemplated that the Licensee's office will be transferred to 1319 Davis Building, 1309 Main Street, Dallas, Texas 75202.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owners, and the probability of successful operations of the company in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than September 10, 1973, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1440 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the transferee in a newspaper of general circulation in Dallas, Texas.

Dated: August 16, 1973.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.73-17960 Filed 8-23-73;8:45 am]

#### TARIFF COMMISSION

#### REPORTS TO THE PRESIDENT ON BALL BEARINGS

##### Notice of Affirmative Determination

The U.S. Tariff Commission today reported to the President that it had made an affirmative determination in part in its investigation (TEA-I-27) of anti-friction balls, ball bearings, and parts thereof under section 301(b)(1) of the Trade Expansion Act of 1962. The investigation was made in response to a petition filed in January 1973 by the Anti-Friction Bearing Manufacturers Association, Inc.

In the investigation the majority of the Commission (Chairman Bedell, Vice Chairman Parker, and Commissioner Moore) found (1) ball bearings (except radial ball bearings having an outside diameter of under 9 millimeters (the so-called miniature bearings) and except ball bearings imported from Canada under the duty-free entry provided by the Automotive Products Trade Act of 1965) are, as a result in major part of concessions granted thereon under trade agreements, being imported in such increased quantities as to cause serious injury to the domestic industry or industries producing like or directly competitive products; and (2) that, in order to prevent serious injury, the rates of duty must be increased on ball bearings

with integral shafts provided for in item 680.33 of the Tariff Schedules of the United States (TSUS) to 12 percent ad valorem and on ball bearings (except radial ball bearings having an outside diameter of under 9 millimeters) provided for in item 680.35 of the TSUS to 3.4 cents per pound plus 15 percent ad valorem. The rates of duty found by the majority of the Commission to be necessary are those that were in effect before the Kennedy Round of trade-agreement negotiations under the General Agreement on Tariffs and Trade (GATT). The present rates are 6 percent ad valorem (item 680.33 and 1.7 cents per pound plus 7½ percent ad valorem (item 680.35).

The Commission majority also found that anti-friction balls provided for in item 680.30 and ball bearings, radial, having an outside diameter of under 9 millimeters provided for in item 680.35 of the TSUS are not, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products. They made no finding with respect to anti-friction balls and ball bearings imported from Canada under the duty-free entry provided by the Automotive Products Trade Act of 1965, as provided for in items 680.31, 680.34, and 680.36 of the TSUS or parts provided for in 680.35 of the TSUS.

The findings of Commissioner Young differed in part from those of the majority of the Commission. He found that ball bearings and parts thereof provided for in item 680.35 of the TSUS and anti-friction balls and ball bearings that enter duty-free from Canada as provided for in items 680.31, 680.34, and 680.36 are, as a result in major part of concessions granted thereon under trade agreements, being imported in such increased quantities as to cause serious injury to the domestic industry or industries producing like or directly competitive products. In order to prevent serious injury, Commissioner Young found (1) that a tariff quota must be imposed on imports of ball bearings and parts thereof classifiable under 680.35, providing for each of the pertinent 7-digit TSUS classes in item 680.35 that the present rate of duty shall be applicable to imports of articles each calendar year until a volume equivalent to that entered in 1970 is imported, and the statutory rate of duty shall be applicable to imports of articles entered in excess of that volume; (2) that the tariff quotas should be adjusted each subsequent calendar year to amounts that would be equivalent to the same share of current U.S. consumption as in 1970; and (3) that the rates of duty on anti-friction balls and ball bearings that enter duty free from Canada must be increased to 4 cents per pound plus 12.5 percent ad valorem for such articles classified under item 680.31, 12



percent ad valorem for those classified under item 680.34, and 3.4 cents per pound plus 15 percent ad valorem for those classified under item 680.36.

Commissioner Young also found that antifriction balls provided for in item 680.30 and ball bearings with integral shafts provided for in item 680.33 of the Tariff Schedules of the United States are not, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Commissioners Leonard and Ablondi did not participate in the decision in this case.

Copies of the public report (TC Publication 597), which contains statements of the reasons for the Commissioners' findings, will be released as soon as possible. Copies will be available on request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, 8th and E Sts., NW., Washington, D.C. 20436.

By order of the Commission.

Released July 30, 1973.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.73-17998 Filed 8-23-73; 8:45 am]

[AA1921-129]

## POLYCHLOROPRENE RUBBER FROM JAPAN

### Rescheduling of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921-129, 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 September 20, 1973, has been rescheduled for 10 a.m. e.d.t., on Friday, September 28, 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, Friday, September 21, 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 being prevented from being established, by reason of the importation of polychloroprene rubber from Japan which the Assistant Secretary of the Treasury has determined is being, or is likely to be, sold at less than fair value. Notice of the investigation was published in the FEDERAL REGISTER of Friday, August 17, 1973 (38 FR 22258).

By order of the Commission.

Issued August 21, 1973.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.73-17999 Filed 8-23-73; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 327]

### ASSIGNMENT OF HEARINGS

AUGUST 21, 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 August 24, 1973.

MC-113855 Sub 267, International Transport, Inc., now assigned September 17, 1973, will be held at the Los Angeles Hilton Hotel, 930 Wilshire Blvd., Los Angeles, Calif., instead of in Room 8544, 300 North Los Angeles Street.

MC 263 Sub 205, Garrett Freightlines, Inc., now assigned October 29, 1973, at Denver, Colo., is advanced to October 1, 1973, at Denver, Colo., in a hearing room to be later designated.

MC 136420 Sub 1, Oklahoma Border Express, Inc., now assigned September 24, 1973 (2 weeks), at Oklahoma City, Okla., will be held in Room 4212, U.S. Courthouse & Office Building, 4th & Robinson Streets.

MC 109172 Sub 10, National Transfer, Inc., now assigned September 19, 1973, at Olympia, Wash., is postponed indefinitely.

MC-F-11673, Reliance Truck Company—Purchase—Daigh & Stewart Truck Co., and MC 54587 Sub 12, Reliance Truck Company, now assigned September 17, 1973, at Phoenix, Arizona, will be held in Room 2, Arizona Corporation Commission, 1688 West Adams Street.

MC 136564 Sub 1, Shippers Leasing, Inc., now assigned September 24, 1973, at San Francisco, Calif., will be held in Room 15018, 15th Floor, 450 Golden Gate Avenue.

MC 127042 Sub 113, Hagen, Inc., now assigned September 26, 1973, at Seattle, Wash., will be held in Judge Wrights Court Room 815, U.S. Courthouse, 1010 5th Avenue.

MC-C-7866, Puget Sound Truck Line, Inc., Investigation and Revocation of Certificates, now assigned October 1, 1973. MC 117304 Sub 29, Don Paffie, Dba Paffie Truck Lines, Extension Buildings and Component Parts, now assigned October 3, 1973. MC 113855 Sub 272, International Transport, Inc., now assigned October 2, 1973, and MC 113678 Sub 480, Curtis, Inc., now assigned October 4, 1973, at Seattle, Wash., will be held in the U.S. Customs Court Room 1057, 909 First Avenue.

No. 35820, Big Mac Trucking Co., Thunderbird Cartage Corporation, and Thyssen Steel Corporation—Investigation of Operations and Practices, now assigned September 10, 1973 (2 days) at Houston, Texas, will be held in Room 7006, Federal Building & U.S. Courthouse, 515 Rusk Avenue.

I&S No. 8863, Switching and Minimum Carload Charges, Houston, Texas, now assigned September 12, 1973 (3 days), at Houston, Texas, will be held in Room 7006, Federal Building & U.S. Courthouse, 515 Rusk Avenue.

MC-F-11796, Canada Steamship Lines, Limited—Control—Strickland Transportation Co., Inc., now assigned September 17, 1973 (1 week), at Dallas, Texas, will be held in Room 310, Baker Hotel, 1400 Commerce Street.

MC-92633 Sub 22, Zirbel Transport, Inc., now assigned October 29, 1973, at Portland, Oreg., is postponed indefinitely.

MC 95876 Sub 135, Anderson Trucking Service, Inc., now being assigned hearing September 26, 1973 (3 days), at Court Room 2, Federal Bldg., 316 N. Robert Street, St. Paul, Minn.

MC 26396 Sub 51, Popelka Trucking Co., DBA The Waggoners, MC 26396 Sub 63, Popelka Trucking Co., DBA The Waggoners, now assigned continued hearing September 26, 1973, at Missoula, Mont., is postponed to October 15, 1973 (3 days), Missoula, Mont.

MC-C-7777, Allied Van Lines, Inc.—Investigation and Revocation of Certificates—, now being assigned October 9, 1973 (4 days), at Chicago, Ill., in a hearing room to be later designated.

MC 105045 Sub 40, R. L. Jeffries Trucking Co., Inc., now being assigned October 15, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 22278 Sub 43, Takin Bros. Freight Line, Inc., now being assigned October 16, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 107012 Sub 179, North American Van Lines, Inc., now being assigned October 17, 1973 (3 days), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-18000 Filed 8-23-73; 8:45 am]

## FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 21, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of sec. 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 rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed by September 10, 1973.

FSA No. 42735—Asphalt (Asphaltum) to Points in Southern Territory. Filed by Southwestern Freight Bureau, Agent, (No. B-430), for interested rail carriers. Rates on asphalt (asphaltum), natural byproduct of petroleum, other than paint, stain or varnish, in carloads, as described in the application, from points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma and Texas, to points in southern territory.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 72 to Southwestern Freight Bureau, Agent, tariff 126-L, ICC No. 4789. Rates are published to become effective on September 18, 1973.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc.73-18001 Filed 8-23-73; 8:45 am]



[Notice No. 340]

MOTOR CARRIER TRANSFER  
PROCEEDINGS

AUGUST 21, 1973.

Application filed for temporary authority under sec. 210a(b) in connection with transfer application under sec. 212 (b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74679. By application filed August 16, 1973, R. C. VAN LINES, INC., 1004 Northside Drive, NW., Atlanta, GA 3318, seeks temporary authority to lease the operating rights of TRANS-WORLD MOVERS, INC., 1462 Elmira St., Aurora, CO, under section 210a(b). The transfer to R. C. VAN LINES, INC., of the operating rights of TRANS-WORLD MOVERS, INC., is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc.73-18002 Filed 8-23-73;8:45 am]

INTERIM COMPLIANCE PANEL  
(COAL MINE HEALTH AND SAFETY)  
EASTERN COAL CORP. AND KENTLAND-  
ELKHORN COAL CORP.Applications for Renewal Permits; Notice  
of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m<sup>3</sup>) have been received as follows:

(1) ICP Docket No. 20018, Eastern Coal Corporation, F-1 Mine, USBM ID No. 15 03793 0, Stone, Kentucky, Section ID No. 001 (Mains).

(2) ICP Docket No. 20019, Eastern Coal Corporation, Stone No. 7 Mine, USBM ID No. 15 04315 0, Stone, Kentucky, Section ID No. 006 (Section No. 25).

(3) ICP Docket No. 20136, Kentland-Elkhorn Coal Corporation, Kentland No. 3 Mine, USBM ID No. 15 03104 0, Mouthcard, Kentucky, Section ID No. 002 (1 left).

In accordance with the provisions of section 202(b) (4) (30 U.S.C. 842(b) (4))

of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

AUGUST 20, 1973.

[FR Doc.73-17931 Filed 8-23-73;8:45 am]

## CUMULATIVE LISTS OF PARTS AFFECTED—AUGUST

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	21180, 21264, 21402, 21743-21745, 21998, 22123, 22226, 22471, 22773-22795	3	21188, 21946, 22561, 22650	81	20994, 22242
1915	21745, 21999, 22776	43 CFR			
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135	20906	17a	21162		
200	22415	3110	22230		
25 CFR		4110	22003		
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3200	21416

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3965 (partially revoked by PLO 5377)	22550
5158	22470
5342	22470
5354	22002
5355	22002
5362	22002
5372	21167
5373	21168
5374	21168
5375	22550
5376	22550
5377	22550
5378	22550
5379	22470
5380	22550
5381	22551
5382	22551
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5384	22552
5385	22552
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396	22244
397	22244
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# Federal register

FRIDAY, AUGUST 24, 1973  
WASHINGTON, D.C.

Volume 38 ■ Number 164

PART II



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## 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

## 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 (48 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes 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 SUPERSEDES 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 (48 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 C.F.R., 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.

## NEW GENERAL WAGE DETERMINATION DECISIONS

New General Wage Determination Decision Nos. AQ-4003; AQ-4004; AQ-4005; and AQ-4006, for the State of Florida.

## MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications to general wage determination decisions for the following States (the number of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Iowa:		
AM-448; AM-2458	-----	Aug. 25, 1971
AQ-11; AQ-12; AQ-13; AQ-14; AQ-15; AQ-16; AQ-17	-----	Aug. 3, 1973
Kansas:		
AM-6708	-----	Apr. 7, 1972
AP-503	-----	Aug. 25, 1972
AP-516	-----	Dec. 8, 1972
AP-531	-----	May 25, 1973
Maryland:		
AQ-2004	-----	Aug. 10, 1973
Montana:		
AP-914	-----	June 29, 1973
New Jersey:		
AP-809	-----	May 11, 1973
New Mexico:		
AQ-18	-----	Aug. 10, 1973
New York:		
AP-400	-----	July 14, 1972
AP-469	-----	Feb. 9, 1973
AP-487	-----	Mar. 9, 1973
AP-800	-----	Mar. 30, 1973
AP-860	-----	July 6, 1973
Pennsylvania:		
AP-479	-----	Mar. 2, 1973
AP-481; AP-482; AP-495	-----	Mar. 23, 1973
AP-830; AP-831; AP-832	-----	May 25, 1973
AP-843	-----	June 8, 1973
Virginia:		
AP-858	-----	June 29, 1973
Washington, D.C.:		
AQ-2005	-----	Aug. 10, 1973

## SUPERSEDES 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):

Iowa:		
AM-2452 (AQ-20)	-----	Aug. 25, 1971
AP-529 (AQ-19)	-----	May 4, 1973
Pennsylvania:		
AP-466 (AQ-2018); AP-467 (AQ-2017)	-----	Jan. 26, 1973
Rhode Island:		
AP-484 (AQ-2007)	-----	Mar. 16, 1973
AP-496 (AQ-2009); AP-497 (AQ-2010)	-----	Apr. 6, 1973

Signed at Washington, D.C. this 17th day of August 1973.

WARREN D. LANDIS,  
Assistant Administrator,  
Wage & Hour Division.



## NEW DECISION

COUNTY: See Below  
 DATE: Date of Publication

STATE: Florida  
 DECISION NUMBER: AQ-4001  
 DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION.

\*Counties:  
 Baker, Clay, Duval, Flagler,  
 Nassau, Putnam, and St. Johns.

10-PA-3-B

Basic Hourly Rates	Fringe Benefits Payments				D.C.
	H & W	Pensions	Vacation	App. T.C.	
\$3.00					
3.61					
3.11					
7.25					
2.66					
2.35					
2.45					
2.00					
3.50					
2.25					
2.25					
2.66					
4.27					
2.27					
2.63					
3.16					
2.86					
3.15					
3.24					
2.75					
2.35					
3.19					
2.80					
3.25					
3.45					
2.50					
4.21					
2.50					
2.48					
2.75					
2.57					

## NEW DECISION

COUNTY: See Below  
 DATE: Date of Publication

STATE: Florida  
 DECISION NUMBER: AQ-4003  
 DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION.

\*Counties:  
 Broward, Dade, Martin, Monroe, Palm  
 Beach, and St. Lucie.

10-PA-3-B

Basic Hourly Rates	Fringe Benefits Payments				D.C.
	H & W	Pensions	Vacation	App. T.C.	
\$3.50					
5.92					
4.90					
8.50					
3.50					
6.58					
4.70					
2.88					
3.48					
3.00					
5.45					
5.25					
3.00					
4.18					
3.25					
3.95					
4.15					
3.50					
4.16					
4.82					
5.60					
3.50					
4.00					
4.30					
4.38					
4.00					
3.68					
4.77					
3.00					
3.00					
3.00					
3.75					
3.00					



## NEW DECISION

STATE: Florida  
 DECISION NUMBER: AQ-1005  
 DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION.

STATE: Florida  
 DECISION NUMBER: AQ-1006  
 DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION.

## NEW DECISION

STATE: Florida  
 DECISION NUMBER: AQ-1005  
 DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION.

COUNTY: See Below  
 DATE: Date of Publication

COUNTY: See Below  
 DATE: Date of Publication

1-PA-3-B

\*County: Escambia, Okaloosa, and Santa Rosa.

Carpenters  
 Concrete finishers  
 Ironworkers, reinforcing  
 Laborers:  
 Asphalt roller  
 Laborers  
 Pipelayers  
 Truck drivers  
 Welders  
 Power Equipment Operators:  
 Asphalt paving machine  
 Backhoe  
 Bulldozer  
 Crane, derrick & dragline  
 Front end loader  
 Mechanic  
 Mixer, subgrade, self-prop.  
 Motor grader  
 Oilier - Grasseman  
 Roller - base  
 Roller - finish  
 Scraper  
 Sced  
 Tractor

Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Th.
\$3.14				
2.97				
3.79				
2.00				
2.00				
2.35				
2.25				
3.58				
3.25				
3.20				
2.50				
3.70				
2.61				
3.50				
2.75				
3.50				
2.25				
2.22				
3.00				
2.50				
3.00				
2.15				

6-PA-3-B

\*County: Drevard, Indian River, Lake,  
 Orange, Osceola, Seminole, &  
 Volusia.

Bricklayers  
 Carpenters  
 Cement finishers  
 Electricians  
 Form setters  
 Ironworkers, reinforcing  
 Laborers:  
 Laborers  
 Asphalt rollers  
 Pipelayers  
 Truck drivers  
 Welders  
 Power Equipment Operators:  
 Air compressors  
 Asphalt distributors, spreaders  
 Asphalt mixers  
 Asphalt paving machine  
 Asphalt plant  
 Backhoe  
 Bulldozers  
 Crane, derrick, draglines  
 Earth mover  
 Front end loaders  
 Grapple  
 Mechanics  
 Mixers, self-propelled  
 Motor graders  
 Motor patrols  
 Oilers - Grasseman  
 Piledrivers  
 Pump  
 Rollers, base  
 Rollers, finish  
 Scrapers  
 Tractors

Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Th.
\$3.15				
3.77				
3.30				
5.25				
2.86				
2.31				
2.26				
2.50				
2.95				
2.50				
3.36				
3.13				
2.66				
3.00				
2.94				
2.80				
3.66				
3.21				
3.81				
3.11				
3.02				
3.55				
3.63				
2.90				
3.50				
3.38				
2.82				
4.28				
2.50				
2.58				
2.79				
3.75				
2.30				



MODIFICATIONS P. 1

MODIFICATIONS P. 2

DECISION #AN-2,448 (CONT'D.)

DECISION #AN-2,448 - Mod. #6  
(36 FR 16756 - August 25, 1971)  
Carro Gordo County (Wason City),  
Iowa

## Change:

Building Construction:  
Carpenters:  
Millwrights; Piledriverman  
Cement masons  
Ironworkers:  
Fence erector; Ornamental;  
Reinforcing; Structural  
Plasterers  
Roofers  
Power Equipment Operators:  
Oilers; Mechanical heaters;  
Truck crane drivers; Permanent  
elevators  
Tractors (under 35 hp) with or  
without attachments; End  
loaders (under 35 hp) with or  
without attachments; Air  
compressors (one or a com-  
bination of 250 cfm or more);  
Pumps 3" or more; Welding  
machine 600 amps or combina-  
tion thereof; Conveyors;  
Firemen (Boiler); Generator  
(75 KW and over); Fork lifts  
(other than below classifica-  
tion #2); Gunite machine;  
Self-propelled rollers; Stump  
chippers; Self-propelled  
tamper; Air and electric  
tuggers (other than below);  
Ditching machine under 8"

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	M & V	Pensions	Vacation	App. Tr.		M & V	Pensions	Vacation	App. Tr.
\$7.07 7.32 7.07									
7.405 7.12 5.55	.26	.50							
6.50	.40	.30			\$7.40	.40	.30		.01
6.75	.40	.30			7.50	.40	.30		.01



## MODIFICATIONS P. 3

## MODIFICATIONS P. 4

DECISION #AM-2,458 - Mod. #7 (S6 FR 16830 - August 25, 1971) Webster County (Fort Dodge), Iowa	Fringe Benefits Payments						Basic Hourly Rates	Fringe Benefits Payments					
	H & W	Pensions	Vacation	App. Tr.	Other	H & W		Pensions	Vacation	App. Tr.	Other		
Change: Building Construction: Electricians Ironworkers: Ornamental; Reinforcing; Structural Power Equipment Operators: Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (leversmen) 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Locomotives; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (trenchpull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machine moving or hoist- ing above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	\$7.50	.30	.11	.11			\$6.75	.40	.30				
	7.405	.26	.50	.02									
	7.50	.40	.30	.01			6.50	.40	.30				



MODIFICATIONS P. 6

MODIFICATIONS P. 5

## DECISION #AQ-11 (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation		H & W	Pensions	Vacation
Power Equipment Operators (Comb): 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Automobile; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (compull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (loorman)	.40	.30		\$6.85	.40	.30	
				6.95	.40	.30	

Change:  
Building Construction:  
Bricklayers-Stonemasons  
Cement masons  
Laborers:  
Common Laborers  
Mortar mixers; Plasterers;  
mixers; Air tool operators;  
Mechanical tamper; Concrete  
saw; Gunite nozzle; Chain  
saw; Wrecking torch; Sand pot  
& blasting  
Marble setters  
Terrazzo workers  
Power Equipment Operators:  
Oilers; Mechanical heaters;  
Truck crane drivers; Permanent  
elevators  
Tractors (under 35 hp) with or  
without attachments; End  
loaders (under 35 hp) with or  
without attachments; Air  
compressors (one or a com-  
bination of 250 cfm or more);  
Pumps 3" or more; Welding  
machine 600 amps or combina-  
tion thereof; Conveyors;  
Fireman (boiler); Generator  
(75 kw and over); Fork lifts  
(other than below Classification #2); Gunite machine;  
Self-propelled rollers; Stump  
chippers; Self-propelled  
tuggers; Air and electric  
tuggers (other than below);  
Ditching machine under 8"

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation		H & W	Pensions	Vacation
97.71 7.455		.20	.01	5.39	.37	.20	.02
5.49 7.71 7.71	.37	.20 .20 .20	.02 .01 .01	5.95	.40	.30	.01
6.20	.40	.30	.01				



## MODIFICATIONS P. 7

## MODIFICATIONS P. 8

DECISION #AO-12 - Mod. #1 (38 FR 21059 - August 3, 1973) Clinton County (City of Clinton & abutting municipalities), Iowa	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Exp. Tr.		H & W	Pensions	Vacation	Exp. Tr.		H & W	Pensions	Vacation	Exp. Tr.
Change: Building Construction: Carpenters: Carpenters; Soft floor layers Piledriverman	.35 .35	.25 .25			\$6.84 7.24						.40	.30		
DECISION #AO-13 - Mod. #1 (38 FR 21062 - August 3, 1973) Dubuque County (City of Dubuque & abutting municipalities), Iowa					8.22 6.40	.15					.40	.30		.01
Change: Building Construction: Ironworkers (Remanlder of County) Roofers Power Equipment Operators: Oilers; Mechanical hoists; Truck crane drivers; Permanent elevators Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (one of a com- bination of 250 cfm or more); Pumps 3" or more; Welding machine 600 amps or combina- tion thereof; Conveyors; Firemen (Bodier); Generator (75 KW and over); Fork lifts (other than below classifica- tion #2); Granite machine; Self-propelled rollers; Stump chippers; Self-propelled tamers; Air and electric tuggers (other than below); Ditching machine under 8"	.40	.30		.01	6.50						.40	.30		.01
Power Equipment Operators (Cont'd): 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attach- ments, etc.); Scrapers (tourna- ment, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Classi- fication #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (Leverman)	.40	.30			\$7.40						.40	.30		.01



MODIFICATIONS P. 9

MODIFICATIONS P. 10

DECISION AQ-14 - Mod. #1  
(38 FR 21056 - August 3, 1973)  
Story County (City of Ames &  
surrounding municipalities), Iowa

Change:  
Building Construction:  
Ironworkers:  
Ornamental; Reinforcing;  
Structural  
Soft floor layers  
Power Equipment Operators:  
Cranes, including those being  
used as backhoe, dragline,  
clamshell, etc.; Tower cranes;  
Truck cranes & cherry pickers  
over 15 ton rated capacity;  
Derricks; Pile drivers and  
tractors; Calisson rigs;  
Side boom and winch trucks  
(used for erection of struc-  
tural steel and moving and  
setting of heavy machinery);  
3-drum hoist; Welders; Mech-  
anics; Locomotive; Dredge  
(Leverman)  
1 and 2 drum hoist; Air and  
electric tuggers (on power  
plants or setting steel or  
grating); Automobile; Flank  
mixers; Farm type tractors  
(with loaders, backhoe attach-  
ments, etc.); Scrapers (tours-  
pull, etc.); End loaders;  
Dredge (engineer); Side boom  
and winch truck other than  
Classification #1; Motor  
petrol; Bulldozers; Push cat;  
Truck crane & cherry pickers  
(15 ton and under); Concrete  
mixers (1 yard and over);  
Ditching machine (3" and over);  
Fork lifts (on steel erection  
and machinery moving or hoist-  
ing above one complete story);  
Concrete pump; Dewatering  
pumps; Temporary hoist cage  
operated; Second man on loco-  
motive

Basic Monthly Rates	Fringe Benefits Payments				Other
	H & W	Franchise	Vacation	Adm. Tx.	
\$7.405	.26	.50	.02		
7.00	.30	.25	.04		
7.50	.40	.30	.01		
7.40	.40	.30	.01		

Basic Monthly Rates	Fringe Benefits Payments				Other
	H & W	Franchise	Vacation	Adm. Tx.	
6.75	.40	.30	.01		
6.50	.40	.30	.01		

Power Equipment Operators (Cont'd):  
Tractors (under 35 hp) with or  
without attachments; End  
loaders (under 35 hp) with or  
without attachments; Air com-  
pressors (one or a combination  
of 250 cfm or more); Pumps  
3" or more; Welding machine  
600 amps or combination there-  
of; Conveyors; Firemen (Boiler);  
Generator (75 KW and over);  
York lifts (other than above  
Classification #1); Gomite  
machine; Self-propelled  
rollers; Stump chippers; Self-  
propelled tamper; Air and  
electric tuggers (other than  
above); Ditching machine  
under 8"  
Oilers; Mechanical heaters;  
Truck crane drivers; Permanent  
elevators



## MODIFICATIONS P. 11

## MODIFICATIONS P. 12

DECISION #AQ-15 - Mod. #1 (38 FR 21070 - August 3, 1973) Polk County (City of Des Moines & abutting municipalities), Iowa	Fringe Benefits Payments						Basic Hourly Rates	Fringe Benefits Payments						Basic Hourly Rates
	M & V	Pensions	Vacation	App. Tr.	Other	Other		M & V	Pensions	Vacation	App. Tr.	Other		
<u>Change:</u> Building Construction: Ironworkers; Ornamental; Reinforcing; Structural Laborers: General laborers Mortar mixers; motor buggies, when pouring concrete; power tool ops. (air tools, concrete vibrator, gunnite nozzle,men, electric drills & hammers) Plasterers' tenders Powdermen Air tool, power tampers & other similar self-powered tools weighing 50 lbs. & over All tunnel work Paving breakers weighing 50 lbs. and over Power Equipment Operators: Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (one or a com- bination of 250 cfm or more); Pumps 3" or more; Welding machine 500 amps or combina- tion thereof; Overhoists; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than below Classifica- tion #2); Conite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than below); Ditching machine under 8"	\$7.405 6.335 6.435 6.46 6.485 6.535 6.535 6.635 6.50	.26 .325 .325 .325 .325 .325 .325 .40	.50 .325 .325 .325 .325 .325 .325 .30	.02			\$7.40 7.50 7.00	.40 .40 .30	.30 .30 .25		.01 .01 .04			
Power Equipment Operators (Cont'd): 1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steel or grating); Economobile; Plant mixers; Farm type tractors (with loaders, backhoe attach- ments, etc.); Scrapers (tourna- ment, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck crane & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoist- ing above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive Cranes, including those being used as backhoe, derrick, clanshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Berricks; Pile drivers and extractors; Caisson rigs; Side boom and winch trucks (used for erection of struc- tural steel and moving and setting of heavy machinery); 3-drum hoist; Welders; Mach- anics; Locomotive; Dredge (leverman)  Add: Building Construction: Soft floor layers														



MODIFICATIONS P. 14

MODIFICATIONS P. 13

DECISION #AQ-16 - Mod. #1 (38 FR 21074 - August 3, 1973) Des Moines County (City of Burlington & abutting municipalities and Burlington Ordnance Plant), Iowa	Fringe Benefits Payments					Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pension	Vacation	Exp. Tr.	Other		H & W	Pension	Vacation	Exp. Tr.	Other
Change: Building Construction: Cement masons Ironworkers: Ornamental; Reinforcing; Structural Plasterers Roofers Plumbers-Steamfitters						\$7.55 7.65 7.20 5.85 7.30	.30 .30 .30 .30 .30	.30 .30 .30 .30 .30			
DECISION #AQ-17 - Mod. #1 (38 FR 21078 - August 3, 1973) Black Hawk County (City of Waterloo & abutting municipalities), Iowa						7.43 8.22 6.56	.31 .31 .31	.50 .50 .50			
Change: Building Construction: Bricklayers-Stonemasons Ironworkers: Ornamental; Reinforcing; Structural Roofers Power Equipment Operators: Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (Cleveland)						7.50	.40	.30		.01	
Power Equipment Operators (Cont'd): 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (trenchpull, etc.); Endloaders; Dredges (engines); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or more; Welding machine 600 amps or combination thereof; Conveyors; Mower (boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Concrete machine; Self-propelled rollers; Stump chippers; Self-propelled tamper; Air and electric tuggers (other than above); Ditching machine under 8" Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators						\$7.40	.40	.30		.01	
						6.75	.40	.30		.01	
						6.50	.40	.30		.01	



## MODIFICATIONS P. 15

## MODIFICATIONS P. 16

DECISION #A9-6,708 - Mod. #6  
(37 FR 7031 - April 7, 1972)  
Leavenworth County, Kansas

Change:  
Building Construction

Carpenters  
Ironworkers:  
Structural; Ornamental  
Reinforcing

DECISION #AP-503 - Mod. #5  
(37 FR 17349 - August 25, 1972)  
Douglas, Jefferson, Leavenworth,  
Miami and Shawnee Counties, Kansas

Change:

Carpenters & Piledrivers:  
Douglas & Shawnee Counties:  
Includes Forbes Air Force Base  
and within the City of Topeka  
and the City of Lawrence and  
within 3 miles of the city  
limits of these cities  
Remainder of Counties  
Jefferson County  
Leavenworth County  
Carpenters (Miami County):  
Carpenters  
Piledrivers  
Ironworkers

Basic Hourly Rates	Fringe Benefits Payments				Oth.
	H & W	Pensions	Vacation	App. Tr.	
\$ 8.12	.33	.30	.25	.05	
8.50	.40	.40	.80	.05	
8.50	.40	.40	.80	.05	
\$ 6.575	.35	.25		.05	
6.175	.35	.25		.05	
5.60	.35	.25		.05	
8.12	.33	.30	.25	.05	
7.745	.33	.30	.25	.05	
8.12	.33	.30	.25	.05	
8.50	.40	.40	.80	.05	

Basic Hourly Rates	Fringe Benefits Payments				Oth.
	H & W	Pensions	Vacation	App. Tr.	
\$ 8.12	.33	.30	.25	.05	
7.87	.33	.30	.25	.05	
8.12	.33	.30	.25	.05	
8.50	.40	.40	.80	.05	
8.50	.40	.40	.80	.05	
8.12	.33	.30	.25	.05	
8.50	.40	.40	.80	.05	
8.12	.33	.30	.25	.05	
8.50	.40	.40	.80	.05	

DECISION #AP-516 - Mod. #5  
(37 FR 26206 - December 8, 1972)  
Cass, Clay, Jackson, Platte & Ray  
Counties, Missouri and Johnson &  
Wyandotte Counties, Kansas

Change:

Building Construction:  
Jackson, Platte, Ray, Clay &  
Cass Counties, Missouri  
Carpenters (Jackson, Platte,  
Ray & Clay Counties):  
Carpenters; Millwrights;  
Piledrivers  
Carpenters (Cass County):  
Carpenters  
Millwrights & Piledrivers  
Ironworkers:  
Structural; ornamental; riggers  
Reinforcing  
Wyandotte & Johnson Counties,  
Kansas

Building Construction:

Carpenters:  
Carpenters; Millwrights;  
Piledrivers  
Ironworkers:  
Ornamental; Reinforcing;  
Riggers; Structural



## MODIFICATIONS P. 17

DECISION #AP-531 - Mod. #5  
(38 FR 13929 - May 25, 1973)  
Cass, Clay, Jackson, Platte and  
Ray Counties, Missouri; and  
Johnson and Wyandotte Counties,  
Kansas

Change:  
Cass, Clay, Jackson, Platte and  
Ray Counties, Missouri  
Building Construction:  
Carpenters (Cass County)  
Carpenters:  
Carpenters; millwrights; pile-  
drivers  
Ironworkers:  
Structural; ornamental; riggers  
Reinforcing  
Johnson & Wyandotte Counties,  
Kansas  
Building Construction:  
Carpenters:  
Carpenters; millwrights;  
Piledrivers  
Ironworkers:  
Ornamental; Reinforcing;  
Riggers; Structural  
Heavy & Highway Construction  
Cass, Clay, Jackson, Platte and  
Ray Counties, Missouri  
Carpenters & Piledrivers  
(Cass County)  
Carpenters & Piledrivers  
(Clay, Jackson, Platte & Ray  
Counties)  
Ironworkers  
Site Preparation & Grading, Heavy  
& Highway Construction  
Johnson & Wyandotte Counties,  
Kansas  
Carpenters; millwrights;  
Piledrivers  
Ironworkers

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tr.	
\$ 7.87	.33	.30	.25	.05	
8.12	.33	.30	.25	.05	
8.50	.40	.40	.80	.05	
8.50	.40	.40	.80	.05	
8.12	.33	.30	.25	.05	
8.50	.40	.40	.80	.05	
7.92	.33	.30		.03	
8.12	.33	.30	.25	.05	
8.50	.40	.40	.80	.05	
8.12	.33	.30	.25	.05	
8.50	.40	.40	.80	.05	

## MODIFICATIONS P. 18

Decision #AQ-2004 Mod. #1  
(38 FR 21711 - August 10, 1973)  
Anne Arundel County, Maryland

CHANGE (Building & Heavy Construction):  
Carpenters, Piledrivers &  
Soft Floor Layers:

All areas north of a line starting  
at Priest Bridge and continuing  
northeast to Benfield, Pasadena,  
Arminger and Ft. Smallwood  
Millwrights:

All areas north of a line starting  
at Priest Bridge and continuing  
northeast to Benfield, Pasadena,  
Arminger and Ft. Smallwood  
Millwrights remainder of  
County

Laborers:

Unskilled

Hod Carriers

Plasterers' Laborers

Power Tool Operator

Pipelayers

Wagon Drill Operator

AUD (Building & Heavy Construction):

Laborers:

Mason Tenders

Scaffold Builders

AUD (to increase legibility):

Asbestos Workers

Lead Burners

Lathers

LINE CONSTRUCTION:

Linemen, Cable Splicers

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tr.	
\$7.79	.44	.35		.05	
7.89	.60	.45		.05	
8.41	.30	.34		.07	
5.60	.275	.30		.05	
5.90	.275	.30		.05	
5.65	.275	.30		.05	
5.70	.275	.30		.05	
5.80	.275	.30		.05	
5.85	.275	.30		.05	
5.80	.275	.30		.05	
6.05	.275	.30		.05	
7.85	.50	.40		.02	
8.25	.30			.01	
8.59		.35		.01	
8.95	.25	.15		.05	



DECISION # AP-914 - Mod. #3 (38 FR 17384 - June 29, 1973) Statewide, Montana	MODIFICATIONS P. 19										MODIFICATIONS P. 20									
	EASTERN COUNTIES					WESTERN COUNTIES					MON-LAB-2-3-b					ALL COUNTIES				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Change:	EASTERN COUNTIES					WESTERN COUNTIES					MON-LAB-2-3-b					ALL COUNTIES				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
LAKES:																				
Asphalt Baker	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Armen	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Car and Truck Loaders, Scissorman	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Caisson Workers (Free Air)	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Carpenter Tender	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Cement Handlers	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Coker Setter	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Chuck Tender & Nipper (above ground)	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Concrete Laborers (wet or dry)	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Concrete Laborers and Cement Mason	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Concrete or Asphalt Saw	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Concrete Vibrator (9" and over)	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Crescent Material Handler, Epoxy, other chemically injurious material	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Complene applying and removing	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Core Drill	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Core Machine	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47
Drills, Air-Tract, self-propelled, Cat or Truck mounted air operated	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Drills, Air-Tract, with Dual Masts	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Drills, Air-Tract, self-propelled, Mustang type or similar	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Dumpster (Spotter)	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Dumpster (Graderman)	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Fence Erector and Installer (Incl. installation & erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers)	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Form Stripper	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Form Setter	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Grade Setter	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
General Laborer	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Hand Faller	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45	5.45
High Scaler	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73	5.73
High Pressure Machine Nozzleman	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57	5.57
Heater Tender	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Jackhammer, Pavement Breaker, Wagon Drills, Vibrator, Mechanical Tamper, Cat or Truck Mounted Air Operated	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Drills, Vibrating Roller hand steered and other Air Tools	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Landscape Laborer	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Nozzleman-Air and Water, Gunite and Placo Machine	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Pilot Car	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47
Pipe Layer (all types)	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Pipe Wrapper	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Post Hole Digger (Power Auger)	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47
Power Saw, Bucking	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Power Saw, Felling	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63	5.63
Powderman	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Powderman Helper	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47
Power Driven Wheelbarrow	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Ripper	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Ripper Helper	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Rodder and Spreader (concrete)	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Scaleman	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Sandblaster	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47
Sandblaster Tailhouse Man, Pot Tender	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Sodcutter-Hand Operated	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53
Stake Jumper for Equipment	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
Tar Pot	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47	5.47
Tool Checker, Toolhouseman	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53	5.53

\* Eastern Counties: Blaine-Carter-Custer-Daniel-Dawson-Fallon-Garfield-McCone-Petroleum Phillips-Powder River-Prairie-Richland-Roosevelt-Sheridan-Valley and Wibaux

\* Western Counties: Beaverhead-Big Horn-Broadwater-Carbon-Cascade-Chouteau-Deer Lodge-Fergus Flathead-Gallatin-Glacier-Golden Valley-Granite-Hill-Jefferson-Judith Basin-Lake-Lewis & Clark-Liberty-Lincoln-Madison-Meagher-Mineral-Missoula-Musselshell-Park-Pendora-Powell-Ravalli-Rosebud-Sanders-Silverbow-Stillwater-Sweetgrass-Teton-Toole-Treasure-Deerhead and Yellowstone



## MODIFICATIONS P. 21

DECISION #P-600 - Mod. #2

(38 FR 12581 - May 11, 1973)

Atlantic and Cape May Counties,  
New Jersey

## Change:

Line Construction, Cape May Co., &amp;

Remainder:

Linemen, cable splicer

Truck drivers

Groundmen

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tc.
\$8.60	.25	15+.25		
6.61	.25	15+.25		1/2 of 1%
6.19	.25	15+.25		1/2 of 1%

## MODIFICATIONS P. 22

DECISION #AQ-18 - Mod. #1  
(38 FR 21714 - August 10, 1973)  
Statewide, New Mexico

## Change:

Truck Drivers:

Distributor (asphalt)

Dumpster or dumpcar

Dump or batch truck:

Under 8 cy

8 cy and under 16 cy

16 cy and under 20 cy

20 cy and over

Diesel-powered transport (non-self-

loading) 10 yds. &amp; over

Flatbed:

1-1/4 ton or under

Over 1-1/4 ton

Lumber carrier

Lowboy, heavy equipment

Lowboy, light equipment

Off-highway hauler

Pick-up truck 3/4 ton or under

Service station attendant

Spreader box

Spreader box (self-propelled)

Swamp or rider helper

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tc.
\$3.80	.26			
3.88	.26			
3.59	.26			
3.69	.26			
3.83	.26			
3.88	.26			
4.11	.26			
3.59	.26			
3.74	.26			
3.62	.26			
4.21	.26			
3.83	.26			
3.86	.26			
3.44	.26			
3.48	.26			
3.53	.26			
3.77	.26			
3.40	.26			



## MODIFICATIONS P. 23

DECISION #AP-400 - Mod. # 4  
(37 FR 13913 - July 14, 1972)  
Bronx, Kings, Queens, New York  
and Richmond Counties, New York

## Change:

Residential Construction:  
Electricians & linemen  
Laborers:  
Plasterers:  
Queens  
Bronx-NY-Richmond  
Roofers:  
Composition, damp & waterproofers  
Sheet metal workers  
Sprinkler fitters  
Steamfitters

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pension	Vacation	App. Tr.	
\$ 9.43	7%	13 1/4	58 1/4		
7.50	.70	.50			
8.05	.95		1.40	.01	
8.15	.95	.65	.90	.01	
8.40	6%	1.83	.63		
10.87	35 1/4	35 1/4	35 1/4	.02	
8.555	75 1/4	.13%	10%	.04	
8.655	75 1/4	.13%	10%	.04	

DECISION #AP-469 - Mod. #1  
(37 FR 4169 - February 9, 1973)  
Broome County, New York

## Change:

Roofers

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pension	Vacation	App. Tr.	
\$ 9.43	7%	13 1/4	58 1/4		
7.50	.70	.50			
8.05	.95		1.40	.01	
8.15	.95	.65	.90	.01	
8.40	6%	1.83	.63		
10.87	35 1/4	35 1/4	35 1/4	.02	
8.555	75 1/4	.13%	10%	.04	
8.655	75 1/4	.13%	10%	.04	

DECISION #AP-487 - Mod. #3  
(37 FR 6608 - March 9, 1973)  
Bronx, Kings, Queens, New York  
and Richmond Counties, New York

## Change:

Building, Heavy and Highway  
Construction:  
Bricklayers  
Carpenters, Building:  
Millwrights  
Carpenters, Heavy:  
Carpenters  
Ironworkers:  
Ornamental finisher  
Plasterers:  
Queens  
Bronx-NY-Richmond  
Roofers:  
Composition, damp & waterproofers  
Sheet metal workers  
Sprinkler fitters  
Steamfitters

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pension	Vacation	App. Tr.	
\$9.05	.87	2.83	.30		
9.15	.85	1.48	.50	.02	
9.15	.85	1.48	.50	.02	
8.10	.60	.65 1/4	.73	.03	
8.05	.95		1.40	.01	
8.15	.95	.65	.90	.01	
8.40	6 1/4	1.83	.63		
10.87	35 1/4	35 1/4	35 1/4	.02	
8.655	75 1/4	.13%	10%	.04	
8.655	75 1/4	.13%	10%	.04	

## MODIFICATIONS P. 24

DECISION #AP-800 - Mod. #2  
(38 FR 8804 - March 30, 1973)  
Erie County, New York

## Change:

Bricklayers:  
Tonawanda and Cran Island Twp:  
Cement masons  
Electricians  
Ironworkers, structural, ornamental &  
reinforcing:  
Remainder of County  
Marble, tile & terrazzo workers:  
helpers  
Pile drivers, etc:  
Divers  
Sprinkler fitters  
Steamfitters

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pension	Vacation	App. Tr.	
\$9.61		.75			
10.09	.35	15 1/4	40 1/4	.20	
9.07	.75	.74			
7.36	.40	.40 1/4			
15.84	1.03	1.00			
9.99	.30	.50			.05
9.70	.62	.73			.06

DECISION #AP-860 - Mod. # 2  
(38 FR 18160 - July 6, 1973)  
Benueselar County, New York

## Change:

Laborers, Building:  
Begin at Hudson River extending  
easterly along Washington Ave.,  
Benselaser to West Sand Lake to  
Cherry Plains into the Mass., Linet  
Laborers  
Pipelayers (2 man team), bod carri-  
ers, mortar mixers (hand or mach-  
ine), jackhammer op., well point  
ing, all air or gas driven tools,  
vibrators, power driven buggies  
Asphalt rakers  
Demolition  
Form setters (curb)  
Wagon drill op.  
Acetylene burners  
Blasters  
Unit:  
Laborers:  
Heavy & Highway Construction  
Add:  
Heavy & Highway construction

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pension	Vacation	App. Tr.	
6.65	.50	.65			
6.80	.50	.65			
6.75	.50	.65			
6.90	.50	.65			
6.825	.50	.65			
6.875	.50	.65			
6.925	.50	.65			
7.125	.50	.65			



MODIFICATIONS P. 26

Decision #AP-479 - Mod. #5  
(38 FR 765 - March 23, 1973)  
Mercer County, Pennsylvania

## HEAVY AND HIGHWAY CONSTRUCTION

## LABORERS:

Laborers and driller helpers  
Concrete aggregate bin, mortar  
mixer, hand or machine vibrator  
gin boggy, mason tenders, concrete  
bootmen, chain saw, jack-  
hammer, pavement breaker and all  
other gas, electric oil and air-  
tool operators, bull float tamper,  
pipelayers  
Drillers, asphalt rakers, stone  
or granite curb setters and  
acetylene torch operator  
Blasters, form setters, stone or  
granite curb setters

## 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, providing  
the employee works the day be-  
fore and after the holiday.

AP-860 Cont'd  
MODIFICATIONS P. 25  
NY-1-148-3-3- H

Basic Monthly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$ 6.26	.50	.65	a	
6.46	.50	.65	a	
6.66	.50	.65	a	
6.86	.50	.65	a	

Basic Monthly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$8.31	.30	.50		.02
9.30	.35	1%-.25		.01
9.01	.30	.50		.02
9.01	.30	.50		.02
8.13	.30	.50		.02
7.37	6%	6%		
7.61	.45½	.45½		
6.503	.435	.62		.01
8.515	.785	.775		.015
7.71	6%	6%		
7.94	.47½	.47½		
6.505	.435	.62		.01
8.515	.785	.775		.015
7.71	6%	6%		
7.94	.47½	.47½		
6.505	.435	.62		.01

## CHANGE:

Building Construction

Carpenters

Electricians

Millwrights

Pipelayers

Soft floor layers

Heavy & Highway

Carpenters

Carpenters welder

ADD:

Heavy & Highway

Ironworkers

Decision #AP-481 - Mod. #5  
(38 FR 7757 - March 23, 1973)  
Washington County, Pennsylvania

## CHANGE:

Building Construction

Ironworkers

Heavy & Highway

Carpenters

Carpenter welder

ADD:

Heavy & Highway

Ironworkers

Decision #AP-482 - Mod. #5  
(38 FR 7764 - March 23, 1973)  
Westmoreland County, Pennsylvania

## CHANGE:

Building Construction

Ironworkers

Heavy & Highway

Carpenters

Carpenter welder

ADD:

Heavy & Highway

Ironworkers



## MODIFICATIONS P. 27

Decision #AP-495 - Mod. #4  
(38 FR 7771 - March 23, 1973)  
Allegheny County, Pennsylvania

CHANGE:  
Building Construction  
Ironworkers  
Piledrivermen

Heavy & Highway  
Carpenters  
Carpenter Welder

ADD:

Heavy & Highway  
Ironworkers

Decision #AP-330 - Mod. #2  
(38 FR 14055 - May 25, 1973)  
Butler Cambria, Fayette and Somerset  
Counties, Pennsylvania

CHANGE:

Carpenters (counties)

Butler

Fayette

Cambria & Somerset

Carpenter - Welder (counties)

Butler

Fayette

Cambria & Somerset

ADD:

Ironworkers

Decision #AP-331 - Mod. #2  
(38 FR 14055 - May 25, 1973)  
Armstrong, Blair, Crawford,  
Indians, McKean, Venango and  
Warren Counties, Pennsylvania

CHANGE:

Carpenters by Counties

Armstrong

Blair, Crawford, Indiana,

McKean, Venango and Warren

Carpenter - Welder by Counties

Armstrong

Blair, Crawford, Indiana,

McKean, Venango and Warren

ADD:

Ironworkers

Basic Hourly Rates	Fringe Benefits Payments				Ch
	H & W	Pensions	Vacation	App. Tr.	
\$8.515 8.95	.785 5%	.775 6%		.015 .50 of 1%	
7.71 7.94	6% .47½	6% .47½			
6.505	.435	.62		.01	
7.71 7.37 7.03	6% 6% 6%	6% 6% 6%			
7.94 7.61 7.26	.47½ .45½ .43½	.47½ .45½ .43½			
6.505	.43½	.62		.01	
7.37 7.03	6% 6%	6% 6%			
7.61 7.26	.45½ .43½	.45½ .43½			
6.505	.43½	.62		.01	

## MODIFICATIONS P. 28

Decision #AP-832 - Mod. #1  
(38 FR 14058 - May 25, 1973)  
Bedford, Cameron, Clarion, Clinton,  
Elk, Forest, Fulton, Huntington,  
Mifflin, and Potter

CHANGE:

Carpenters

Carpenter - Welder

ADD:

Ironworkers

Decision #AP-843 - Mod. #1  
(38 FR 13352 - June 8, 1973)  
Franklin County, Pennsylvania

CHANGE:

Building Construction

Carpenters

Soft Floor Layers

Piledrivermen

Millwrights

Heavy & Highway

Carpenter

Carpenter - Welder

ADD:

Heavy & Highway

Ironworkers

Basic Hourly Rates	Fringe Benefits Payments				Ch
	H & W	Pensions	Vacation	App. Tr.	
\$7.03 7.26	6% .43½	6% .43½			
6.505	.435	.62		.01	
8.04 8.04 8.95 7.325	5% 5% 5% 4%	5% 5% 6% 29½%	5% 5% 5% 29½%	1% 1% 1% 1%	
7.03 7.26	6% .43½	6% .43½			
6.505	.435	.62		.01	



## MODIFICATIONS P. 29

Decision #AP-838 - Mod. #3  
(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:

Millwrights

Decision #AQ-2005 - MOD. #1  
(38 FR 21721 - August 10, 1973)  
Washington, D. C.

ADD (to increase legibility):

Marble Setters  
Marble Setters' Helpers  
Millwrights  
Plasterers  
Plumbers

Sewer & Water Lines;

Footnote:  
6. Employer contributes .40 per  
day to Apprentic Training

STATE: Iowa

DECISION NO.: AQ-19

Supersedes Decision No. AP-529, dated May 4, 1973, in 38 FR 11271.  
DESCRIPTION OF WORK: Building Construction, (excluding single family homes  
and garden type apartments up to and including 4 stories), heavy and high-  
way construction.

COUNTY: Linn (City of Cedar Rapids  
& abutting municipalities)

DATE: Date of Publication

57-10MA-LIN-1 n (1 - 2)

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tr.	
\$8.41	.30	.34	.07		
8.60	.35	.25			
7.35					
8.41	.30	.34	.07		
8.015	.45	.25	.06		
8.96	.50	.50	.15		
Sewer & Water Lines;					
Footnote:					
6. Employer contributes .40 per					
day to Apprentic Training					
BUILDING CONSTRUCTION					
ASBESTOS WORKERS	.25	.25			.10
BOILERMAKERS	.30	1.00			.02
BRICKLAYERS-STONEMASONS		.35			
CARPENTERS:	.30				.02
Carpenters	.30				.02
Millerights; Piledrivers	.25				.15
CEMENT MASONS	.25				
ELECTRICIANS	.33	.15			
ELEVATOR CONSTRUCTORS	.20	.20	2 1/4		
ELEVATOR CONSTRUCTORS' HELPERS	.185	.20	2 1/4		
ELEVATOR CONSTRUCTORS' HELPERS (FEB.)	.35	.50			
GLAZIERS					
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.22				
LABORERS:					
Common laborers	5.59	.20	.15		
All water service, Mortar mixers;					
Sewer tile layers	5.715	.20	.15		
Air, electric or gasoline powered					
Jackhammers, chipping hammers;					
Machine rock drills; Power driven					
Buggies; Tampers; Vibrators; Well					
point work					
LATHERS	5.79	.20	.15		
PAINTERS:	7.2795				
Brush	6.93				
Paperhangers; Structural steel;					
Siding stage to 55 feet	7.18				
Spray	7.58				
PLASTERERS	7.28				
PLUMBERS-STEAMFITTERS					
ROOFERS	7.50	.30			.05
SOFT FLOOR LAYERS	6.28				
SPRINKLER FITTERS	7.23	.30			.02
TRUCK DRIVERS	8.75	.30			.05
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.	5.64				



AQ-19 P. 2		57-100A-LIN-1		(2 - 2)		5-100A-10C-1		(1 - 2)			
BUILDING CONSTRUCTION		Fringe Benefits Payments		Fringe Benefits Payments		Fringe Benefits Payments		Fringe Benefits Payments			
Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Other	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Other
FOOTNOTE: a - Employer contributed 4% of basic hourly rate for over 5 years' service; 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A through F.											
PAID HOLIDAYS: A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day											
BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS CLASSIFICATION 1 Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Calisson rigs; Side boom and winch trucks (used for erection of structural steel and moving and setting of heavy machinery); 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (Leverarm)											
\$7.50	.40	.30									
CLASSIFICATION 2 1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steel or grating); Econobiles; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scrapers (towsapull, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than cherry pickers (15 ton and under); Concrete mixers (15 yard and over); Ditching machine (6" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive											
7.40	.40	.30									
CLASSIFICATION 3 Tractors (under 35 HP) with or without attachments; End loaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or more; Welding machine 600 amps or combination thereof; Conveyors; Fireman (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Guniting machine; self-propelled rollers; stump chippers; self-propelled tamper; Air and electric tuggers (other than above); Ditching machine under 8".											
6.75	.40	.30									



AG-19 P. 4

S-110MA-PRO-1 h (7-2)

## BUILDING CONSTRUCTION

## POWER EQUIPMENT OPERATORS

## CLASSIFICATION 4

Operators; Mechanical Heaters; Truck  
Crane Drivers; Permanent elevators

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tn.	
6.50	.40	.30		.01	

AG-19 P. 5

(1-3)

## HEAVY &amp; HIGHWAY CONSTRUCTION

CARPENTERS & PILEDRIVERS  
CEMENT MASONS

## LABORERS

Sandblasters; Fowdeman and Blaster;  
Pipe layer, sewer, water, telephone  
conducts, etc.; Sewer utility man;  
Gunnite mazzleman; Diamond and core  
drills, powered by air, all work  
performed by Laborers working from  
a box a chair, swinging stage, life  
belt, tag line, or block and tackle;  
Drill operator of air tracs, wagon  
drills and similar drills  
Tree climber; Form setters, Bakers;  
Boxtenders; Asphalt curb machines;  
Potmen, not mechanical; Bull float,  
hand operated; Sealers; Timbermen;  
Underpinning and shoring; Caissons  
over 12' Grade Checker and cutting  
torches on demolition work  
Power buggyman; Concrete and paving  
sawman; Form liner, expansion joint  
assembler; Bottom man; Caulker and  
joiner and painter; Timber and  
chain saw man; Mechanical grouters;  
Boring machines; Automatic concrete  
power curbing machines; Stresser  
or stretcherman on post-tension or  
pre-stressed concrete on or off the  
job; Fowdeman helpers  
Form tamper; Air, gas and electric  
tool operators, vibrators, barco  
hammer, paving breakers, spaders,  
tampers; electric drills, hammers  
and jack hammers; Tree groundmen;  
Chuck tenders; Drill helpers, tool  
room man and checkers; Sandblaster  
helper; Concrete processing material  
and monitors; Cement finishers  
helpers  
Fence erectors; Handling and placing  
of metal mesh, dowel bars, reinforc-  
ing bars and chairs; Dumpmen  
and spotters; Carrying reinforcing  
rods; Corrugated culvert pipe;  
Concrete drainage pipe; Stake  
chaser, seeding, mulching and plant-  
ing of trees, shrubs and flowers,  
Water boy; Common labor; Rodmen;  
Tending to carpenters; Hot asphalt  
labor; Stringman on paving work

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tn.	
\$ 5.91 5.65	.25				
5.50	.30	.10			
5.25	.30	.10			
5.00	.30	.10			
4.85	.30	.10			
4.75	.30	.10			



AQ-19 P. 6

(2 - 3)

## HEAVY &amp; HIGHWAY CONSTRUCTION

## POWER EQUIPMENT OPERATORS:

Power shovel and crane type equipment (1 1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge laverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator; Asphalt pug-mill; Power shovel, crane type equipment (under 1 1/2 cu. yd.); Front and loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or roller; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator; Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Bodier operator, two or one bodier and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.

Basic Hourly Rates	Fringe Benefits Payments				Oth
	M & W	Pensions	Vacation	App. Tr.	
6.40	.30	.30		.01	
6.25	.30	.30		.01	
6.00	.30	.30		.01	

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(3 - 3)

## HEAVY &amp; HIGHWAY CONSTRUCTION

## POWER EQUIPMENT OPERATORS (CONT'D):

Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Grubber feeder operator; Finishing machine operator on concrete; Flex-plane operator; Ball float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator; Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck; Patching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller; TRUCK DRIVERS: Truck-drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cures and scoops; Trucks drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, working and staller dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units

Basic Hourly Rates	Fringe Benefits Payments				Oth
	M & W	Pensions	Vacation	App. Tr.	
\$5.80	.30	.30		.01	
5.60	.30	.30		.01	
5.30	.30	.30		.01	
4.65	.25				
4.75	.25				



## SUPERSEDES DECISION

STATE: Iowa  
 COUNTY: Johnson (City of Iowa City  
 & abutting municipalities)  
 DECISION NO.: AQ-20  
 Supersees Decision No. 48-2,452, dated August 25, 1971, in 36 PR 16809.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes  
 and garden type apartments up to and including 4 stories), heavy and high-  
 way construction.

32-IOWA-JOH-1 N (1-2)

## BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	\$ 8.05	.25	.25		.10
BOILERMAKERS	8.25	.30	1.00		.02
BRICKLAYERS-STONEMASONS	7.885		.55		
CARPENTERS:					
Carpenters; Soft floor layers	6.49	.25	.30		.03
Filledrivers	6.74	.25	.30		.03
Millwrights	7.55	6%	6%		2%
CEMENT MASONS	6.84	.25			
ELECTRICIANS	8.25	.33	1%		1%
ELEVATOR CONSTRUCTORS	6.54	.185	.20	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS	7.01R	.185	.20	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROP.)					
GLAZIERS	5.01R	.35	.50		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.22				
LABORERS					
Common laborers	5.72	.30	.25		
Mason mortar mixers	5.92	.30	.25		
All jack & chipping hammers; All water & sewer tile layers; Chain saw; Cutting torches; Power buggies; Rock drills; Tampers; Vibrators; Well point work					
LATERS	6.02	.30	.25		
PAINTERS	7.2755				
Brush	6.93				
Paperhangers; Structural steel; Sling stage to 55 ft.	7.18				
Spray	7.58				
PLASTERERS	7.28				
PLUMBERS-STEAMFITTERS	7.50	.30	.30		.05
ROOFERS	6.28				
SPRINKLER FITTERS	8.75	.30	.50		.05
TRUCK DRIVERS	4.63				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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32-IOWA-JOH-1 N (2-2)

## BUILDING CONSTRUCTION

FOOTNOTE:  
 a - Employer contributes 4% of the  
 basic hourly rate for over 5  
 years service and 2% of the  
 basic hourly rate for 6 months  
 to 5 years of service as Vacation  
 Pay Credit. Six Paid Holidays:  
 A through F.

PAID HOLIDAYS:  
 A-New Years' Day; B-Memorial Day;  
 C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day



AQ-20 P. 3		5-10MA-PEO-1 h (1 - 2)					AQ-20 P. 4		5-10MA-PEO-1 h (2 - 2)				
BUILDING CONSTRUCTION		Fringe Benefits Payments					BUILDING CONSTRUCTION		Fringe Benefits Payments				
POWER EQUIPMENT OPERATORS		Fringe Benefits Payments					POWER EQUIPMENT OPERATORS		Fringe Benefits Payments				
CLASSIFICATION 1		Fringe Benefits Payments					CLASSIFICATION 4		Fringe Benefits Payments				
Crane, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch trucks (used for erection of structural steel and moving and setting of heavy machinery); 3-drum hoist; Welders; Mechanics; Locomotive Dredge (leaverman)		Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Oilers; Mechanical Reaters; Truck Crane Drivers; Permanent elevators		Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
CLASSIFICATION 2		\$7.50	.40	.30		.01			\$6.50	.40	.30		.01
1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steel or grating); Econobile; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scrapers (toursapell, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck crane & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery mowing or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive		7.40	.40	.30		.01							
CLASSIFICATION 3		6.75	.40	.30		.01							
Tractors (under 35 HP) with or without attachments; End loaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or more; Welding machine 600 amps or combination thereof; Conveyors; Fireman (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Guniting machine; self-propelled rollers; stump chippers; self-propelled tamper; Air and electric tuggers (other than above); Ditching machine under 8".													



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Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. To	
6.40	.30	.30			.01

## HEAVY &amp; HIGHWAY CONSTRUCTION

## POWER EQUIPMENT OPERATORS

Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator; Asphalt plant operator; Asphalt pug-mill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, 10 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or tractor; Sideboom tractor; Chain or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator; Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, 10 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&B and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.

(1 - 3)

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Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. To	
\$ 5.91 5.65	.25				
5.50	.30	.10			
5.25	.30	.10			
5.00	.30	.10			
4.85	.30	.10			
4.75	.30	.10			

## HEAVY &amp; HIGHWAY CONSTRUCTION

## CARPENTERS &amp; PILEDRIVERS

CEMENT MASONS  
LABORERS

Sandblasters; Powderman and blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Concrete nozzleman; Blasted and core drills, powered by air, all work performed by laborers working from a box'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air tracts, wagon drills and similar drills; Tree climber; Form setters; Bakkers; Boxridders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work; Power boggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Calkers and joiner and painter; Timber and chain saw man; Mechanical grinders; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers; Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers helpers; Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work



STATE: Pennsylvania  
 COUNTY: Beaver  
 DECISION NO.: AQ-2,017  
 DATE: Date of Publication  
 SUPERSEDES Decision AQ-467, dated January 26, 1973, in 38 FR 2618.  
 Description of work: Heavy and Highway Construction.

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AQ-20 P. 7

## HEAVY &amp; HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS (CONT'D):  
 Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexible plane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator; Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck  
 Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller  
 TRUCK DRIVERS:  
 Truck-drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cranes and scoops/mobles  
 Truck drivers for semi and tandems:  
 Ready mix; Dumpster operator; Drivers on: tandem service trucks, working and similar dumpsters, track trucks, ecclids, bug bottom drums, tourapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units

PA-4-LAB-2-3-K

## HEAVY &amp; HIGHWAY CONSTRUCTION

## Laborers:

Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.); Air or electric impact wrench, Air tamper operator, Asphalt tapers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffey dam, Concrete pitter, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and heavy drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzle man, Manually moved emission sprayer, Radio actuated traffic control operator (non automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipe line), Wood chipper  
 Asphalt, batch and concrete plant operator (manually operated), Asphalt takers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handymen, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator

Basic Hourly Rates	Fringe Benefits Payments			App. To	Other
	H & W	Pension	Vacation		
\$5.80	.30	.30		.01	
5.60	.30	.30		.01	
5.30	.30	.30		.01	
4.65	.25				
4.75	.25				



HEAVY & HIGHWAY CONSTRUCTION		PA-2-FEO-2-J-1		I		(1-2)	
LABORERS (Cont'd):		Basic Hourly Rates		Fringe Benefits Payments		Fringe Benefits Payments	
		H & V		Vacation		H & V	
		.30		.30		.30	
Signal man, Whacker		5.93					
All Railroad Track Work:							
Adjoining machine, Ballast router, Bolting machine, Power jacks, Rail drills, Rail road brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine		5.93		.30			
Cement mortar tiling car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road form-lead man), Groat machine operator, Concrete (nozzle and machine man), Paving block rammer, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine/trencher or similar)		6.24		.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)		6.36		.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)		6.55		.30			
Welder (pipeline)		7.70		.30			
Tunnel and Shaft Work (Inside)		5.49		.30			
Change house attendant							
Muckers, Brakemen and all other labor (includes installation of utility lines)		5.93		.30			
Signal man, Drill runner helper							
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)		6.24		.30			
Caisson and tunnel men under pressure (0-18 pounds)		6.36		.30			
Reinforcing steel placers (bending, aligning and securing)		6.35		.30			
Carpenters		7.71		.62			
Carpenter-welder		7.94		.47			
Cement masons		7.17		1.08			
Filedriermen		8.41		.62			
Ironworkers		6.505		.435			
POWER EQUIPMENT OPERATORS:							
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary - Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Officer - Apprentice) Elevating Grader, Franki Pile Machine, Grapple (Remote control or otherwise) Grader (Power-Fine Grader) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilt (key, and over) Hoists 2 Drums or more (in one unit) Kecal, Kneeling Skooper, Lead Mechanic, Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self loading Attachment) Hocking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Pile Splitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarvis or similar) Whirley		88.23		.35		.50	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Doser, Euclid Loader, Grader - Power, Grassy Unit Operator (Head) Hilt (under 4 cy.) Job Work Boat (Powered)							



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PA-2-PEO-2-3-1

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AQ-2.017 P. 5

PA-2-TD-2-3-6

1 of 1

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pension	Vacation	App. Tn.		H & W	Pension	Vacation	App. Tn.
<p>           Jumbo Operator, Locomotive (narrow gauge) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, Stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled) Truck Mounted Drill (Davy or similar) Welder and Repairman, Well Point Pump Operator            Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machines, Tire Repairman Tube Finisher (C.H.I. or similar) Well Driller and Horizontal            Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Hidden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Fork-lift (Hidden or self-propelled) Form line Machine, Generator, Curb Pump, Heater (Mechanical) Moist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pump, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-sucking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing) Deck Road, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader         </p>	5.61	.35	.50	.04	6.39	6%	3.5%		
<p>           Trucks over 33,000 lbs. gross load capacity (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)            Trucks over 33,000 lbs. gross load capacity (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)            Tri-axle trucks            Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids; end or belly dump, single twin-engine or tandem; athay wagon; pay loader, towtrawagons, and similar equipment when not self-loaded rated under forty-five tons)            Heavy off-the-road equipment (rated at forty-five tons or over)            Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, rock carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)            Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)            Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)            Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)            Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respective size truck)            Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)            Tar and Asphalt Trailer Trucks            Trucks with Dolly or Trailer Bottom or Belly-Dump Trucks         </p>	\$6.16	6%	3.5%		6.30	6%	3.5%		
	6.39	6%	3.5%		6.48	6%	3.5%		
	6.46	6%	3.5%		6.21	6%	3.5%		
	6.30	6%	3.5%		6.39	6%	3.5%		
	6.30	6%	3.5%		6.26	6%	3.5%		
	6.48	6%	3.5%						







AQ-2,018 P. 4

PA-2-PEO-2-3-1

AQ-2,018 P. 3

## HEAVY &amp; HIGHWAY CONSTRUCTION

## POWER EQUIPMENT OPERATORS:

Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Calson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary - Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Hydraulic (1 Leverman - 1 Oiler - Apprehensive) Elevating Grader, Franki Pile Machine, Grapple (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilt (4cy. and over) Hoists 2 drums or more (in one unit) Kocal, Keering Skooter, Load Mechanic, Locomotive (and Gauge) Mix Mobile, Mix Mobile (with self loading attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Pre-splitter Drill (Self Contained) Quad Mine, Refrigeration Plant (Soil stabilization) Scraper Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley

\$8.23

.35

.50

.04

Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable placer or Layer, Compactor with blade, Concrete Batch Plant (Electrically Synchronized) Concrete Belt Placer (C.M.I. and similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Lift (under 4 cy.) Job Work Boat (Powered)

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PA-2-PEO-2-3-1

AQ-2,018 P. 3

## HEAVY &amp; HIGHWAY CONSTRUCTION

## POWER EQUIPMENT OPERATORS:

Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Calson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary - Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Hydraulic (1 Leverman - 1 Oiler - Apprehensive) Elevating Grader, Franki Pile Machine, Grapple (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilt (4cy. and over) Hoists 2 drums or more (in one unit) Kocal, Keering Skooter, Load Mechanic, Locomotive (and Gauge) Mix Mobile, Mix Mobile (with self loading attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Pre-splitter Drill (Self Contained) Quad Mine, Refrigeration Plant (Soil stabilization) Scraper Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley

\$8.23

.35

.50

.04

Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable placer or Layer, Compactor with blade, Concrete Batch Plant (Electrically Synchronized) Concrete Belt Placer (C.M.I. and similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Lift (under 4 cy.) Job Work Boat (Powered)



SUPERSTRESS DECISION

STATE: Rhode Island

COUNTY: Newport

DECISION NO.: AQ-2007

DATE: Date of Publication

Supersedes Decision No. AS 484, dated March 16, 1973, in 38 FR 7199

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction and marine construction.

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HEAVY &amp; HIGHWAY CONSTRUCTION

TRUCK DRIVERS

Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)

Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)

Tri-axle trucks  
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as excavators, end or belly dump, single twin-engineered or tandem: atway wagon: pay loader, towtrawagons, and similar equipment when not self-loaded rated under forty-five tons)

Heavy off-the-road equipment (rated at forty-five tons or over)  
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-frames (when used for transporting materials), dumpsters, cross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck

winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)

Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)  
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)  
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respective size truck Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)

Tar and Asphalt Trailer Trucks  
Trucks with Dolly or Trailer  
Bottom or Belly-Dump Trucks

Basic Hourly Rates	Fringe Benefits Payments				App. To	Or
	H & W	Pension	Vacation	App. To		
\$6.16	6%	3.5%				
6.30	6%	3.5%				
6.39	6%	3.5%				
6.39	6%	3.5%				
6.48	6%	3.5%				
6.46	6%	3.5%				
6.21	6%	3.5%				
6.30	6%	3.5%				
6.39	6%	3.5%				
6.30	6%	3.5%				
6.39	6%	3.5%				
6.26	6%	3.5%				
6.48	6%	3.5%				

3-RT-1-N

BUILDING CONSTRUCTION

Asbestos workers  
Boilermakers  
Bricklayers, stonemasons  
Carpenters:  
Little Compton, Tiverton:  
Carpenters & soft floor layers  
Millwrights  
Remainder of County:  
Carpenters and soft floor layers  
Millwrights and Piledrivers  
Cement masons  
Electricians:  
Little Compton, Tiverton  
Remainder of County  
Elevator constructors  
Elevator constructors' helpers  
Elevator constructors' helpers (Prob.)  
Glaziers  
Ironworkers:  
Str., orn., & reinf.  
Laborers:  
Laborers, Building:  
Laborers, carpenters tender, cement finisher tender, mason tender  
Jackhammers, paving breaker, chain saw  
Pipelayers, mechanical grinder, all other pneumatic tools, barco type  
Jumping tappers  
Plasterers  
Powdermen  
Blasters  
Laborers, Wrecking:  
Laborers, signmen  
Adman, burner, jackhammer  
Lathers  
Lead burners

Basic Hourly Rates	Fringe Benefits Payments				App. To	Or
	H & W	Pension	Vacation	App. To		
\$8.80	.505	.45			.005	
8.705	.50	.105			.01	
8.57	.25	.35			.01	
7.40	.30	.30			.02	
8.20	.30	.50			.02	
8.15	.35	.35			.02	
8.75	.35	.35			.02	
7.95	.50	.35			.02	
8.10	.32	.15+.25	.32		.15	
8.40	.38	.15+.25			.02	
6.87	.17	.185	.15+.25		.005	
4.81	.17	.185	.15+.25		.005	
3.435	.42	.30			.01	
7.74	.45	.80+.50			.02	
7.70	.45	.80+.50			.02	
6.80	.40	.40			.05	
7.05	.40	.40			.05	
7.05	.40	.40			.05	
7.55	.40	.40			.05	
6.80	.40	.40			.05	
7.05	.40	.40			.05	
5.75	.25	.20			.01	
8.25	.30					



## NOTICES

## BUILDING CONSTRUCTION

## BUILDING CONSTRUCTION

## Line Construction

Linemen  
Groundmen  
Equipment operator  
Driver groundmen  
Painters:  
Little Compton & Tiverton Tps.:  
Brush  
Structural steel  
Structural steel spray  
Spray (other than steel)  
Remainder of County:  
Brush & roller  
Structural steel & steam cleaning  
Spray & sand or water blasting  
Air power brush  
Marble setters, terrazzo worker and  
tile setters  
Marble, tile and terrazzo helpers  
Plasterers  
Plumbers  
Roofers:  
Composition, waterproofers  
Slate, tile, precast concrete  
Helpers, Class "A"  
Helpers, Class "B"  
Sheet metal workers  
Sprinkler fitters  
Steamfitters  
Truck Drivers, Building:  
Dumps & 2-axle equipment  
Trailers & 3-axle equipment  
Low bed trailers (24 tons & over, 1-  
beam trailers, special earth moving  
equipment (Euclid type)  
Euclid type equipment over 35 ton  
capacity

Welders - received rate prescribed for  
craft performing operation to which  
welding is incidental.

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;  
F-Christmas Day.

Basic Monthly Rates	M & M	Pensions	Vacation	App. Tr.	On
\$7.14	.20	1%	d		
5.07	.20	1%	d		
6.31	.20	1%	d		
5.58	.20	1%	d		
5.35	.30	.20	.20		
7.70	.30	.20	.20		
7.70	.30	.30	.20		
6.35	.30	.20	.20		
7.20	.40	.40			
7.45	.40	.40			
8.20	.40	.40			
7.70	.40	.40			
8.55	.25	.35			
7.23	.50	.35			
8.15	.35	.35			
9.17					
7.85	.20	.25			
8.05	.20	.25			
7.00	.20	.25			
6.45	.20	.25			
8.73	.36	.55			.05
9.07	.30	.50			.01
8.82	.35	.80			.03
5.31	.30	.50			
5.39	.30	.50			
5.64	.30	.50			
5.89	.30	.50			

## FOOTNOTES:

g. Employer contributes 4% basic hourly rate for 5 years of more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

h. Holidays: A through F.

i. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

j. Holidays: A through F; Bunker Hill Day provided employee has been employed 10 working days prior to the holiday and provided the employee works the scheduled work day immediately preceding and following the holiday.

k. Paid Holiday: "D".



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HEAVY, HIGHWAY & MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments					Oth.
		H & W	Pension	Vacation	App. Tr.	Chk.	
Bricklayers, stone masonry, catch basin, manhole builders	\$6.57	.25	.35		.01		
Carpenters, dock builders, piledrivers: Little Compton, Tiverton	8.85	.30	.30				
Remainder of County	8.75	.25	.25		.01		
Cement masons	6.85	.35					
Electricians:							
Little Compton, Tiverton	8.10	.32	134.25	.32	1/2		
Remainder of County	8.40	.38	134.25		.02		
Ironworkers:							
Structural, ornamental, reinforcing	7.70	.45	804.50		.02		
Laborers:							
Admcm asphalt makers, barotype jumping tampers, chain saw operators, concrete and power buggy operators, concrete saw operators, demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stone wall builders, setters of metal forms for roadways, stumper operators, tree operators, tree trimmers, wagon drill operators, wood chipper operators	7.05	.40	.40				.05
Air track drill op.	7.30	.40	.40				.05
Blasters & powdermen	7.55	.40	.40				.05
Pavers, rammers, curb setters	7.30	.40	.40				.05
Line Construction:							
Linenmen	7.14	.20	11				
Groundman	5.07	.20	11				
Equipment operator	6.31	.20	11				
Driver groundman	5.58	.20	11				
Painters:							
Little Compton & Tiverton Tops:							
Brush	5.35	.30	.20	.20			
Structural steel	7.70	.30	.20	.20			
Structural steel spray	7.70	.30	.20	.20			
Spray (other than steel)	6.35	.30	.20	.20			
Remainder of County:							
Brush & roller	7.20	.40	.40				
Spray & sand or water blasting	8.20	.40	.40				
Structural Steel & steam cleaning	7.45	.40	.40				
Air power brush	7.70	.40	.40				

HEAVY, HIGHWAY &amp; MARINE CONSTRUCTION

Plumbers  
Waterproofers

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F, Nunker Hill Day provided the employee has been employed 10 working days prior to the holiday and provided the employee works the scheduled work day immediately preceding and following the holiday.



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BUILDING CONSTRUCTION POWER  
EQUIPMENT OPERATORS

Basic Monthly Rates	Fringe Benefits Payments			
	M & W	Positions	Vacation	App. Td.
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers, and front-end loaders 3 yrs. and over	.40	.40	.05	.05
Economobile type equipment	.40	.40	.05	.05
Fork lift	.40	.40	.05	.05
Firemen and Oilers	.40	.40	.05	.05
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yrs.	.40	.40	.05	.05
Pippin type backhoes	.40	.40	.05	.05
Maintenance Engineers	.40	.40	.05	.05
Well-point Installation	.40	.40	.05	.05
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	.40	.40	.05	.05

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FRINGE BENEFIT PAYMENTS

## BRIDGES, CAISSONS, DOCKS, MARINE, FIERS, SUB-BASEMENTS, SUBTERRANEAN, TUNNELS, &amp; HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS

Basic Monthly Rates	M & W	Positions	Vacation	App. Td.	Other
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders 3 yrs. and over	.40	.40	.05	.05	
Firemen and Oilers	.40	.40	.05	.05	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yrs	.40	.40	.05	.05	
Maintenance Engineers	.40	.40	.05	.05	
Well-point Installation Crews	.40	.40	.05	.05	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	.40	.40	.05	.05	
Boat and Tug Operators	.40	.40	.05	.05	
Apprentices (Deckhands)	.40	.40	.05	.05	



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BRIDGE (Incidental to Highway) and  
HIGHWAY CONSTRUCTION POWER EQUIPMENT  
OPERATOR

Basic Hourly Rates	Fringe Benefits Payments				D.C.
	R & W	Pensions	Vacation	App. Tr.	
Digging machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yds. and automobile & cross carriers	\$9.15	.40	.40		
Fork lifts	8.35	.40	.40		
Firemen	7.75	.40	.40		
Oilers and apprentices	6.90	.40	.40		
Rollers, spreaders, rollers and front-end loaders, less than 3 yds., tractors	7.65	.40	.40		
Scrapers and graders & dozer operators	7.75	.40	.40		
Pippin type backhoe operator	8.00	.40	.40		
Maintenance engineers	7.50	.40	.40		
Gas and electric driven hasters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps	7.75	.40	.40		
Test boring machine operators	8.25	.40	.40		
Well point installation crews	7.60	.40	.40		
Operators of truck cranes with booms of 130 to 150 feet	9.65	.40	.40		
over 150 feet	9.90	.40	.40		
Cranes of cat cranes with booms of 150 to 180 feet	9.65	.40	.40		
over 180 feet	9.90	.40	.40		

## HEAVY &amp; HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				D.C.
	R & W	Pensions	Vacation	App. Tr.	
Truck Drivers:					
2 axle	\$3.97	.24			
3-axle, Ready Mix Equipment	4.02	.24	a+b		
4-5 axle Dump	4.12	.24	a+b		
Low bed trailer equipment-specialized earth moving equipment other than conventional type	4.22	.24	a+b		
Helpers on low bed	3.97	.24	a+b		
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, Columbus Day, Veteran's Day providing employee has worked at least two days in the calendar week in which the holiday falls.					
b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.					



## SUPERSEDES DECISION

STATE: Rhode Island  
 DECISION NO.: AQ-2009  
 Supersedes Decision No. AP-496, dated April 6, 1973 in 38 FR 8862.  
 DESCRIPTION OF WORK: Residential Construction (consisting of single family homes and garden type apartments up to and including 4 stories).

COUNTY: Providence

DATE: Date of Publication

Supersedes Decision No. AP-496, dated April 6, 1973 in 38 FR 8862.  
 DESCRIPTION OF WORK: Residential Construction (consisting of single family homes and garden type apartments up to and including 4 stories).

RESIDENTIAL CONSTRUCTION

1-RL-PROV-1-B

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	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Passive	Vacation	App. T.
Asbestos workers	\$6.80	.505	.45		.005
Bricklayers, cement masons and stone masons:					
Ashton, Berkeley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket and Valley Falls	8.70	.25	.25		.01
Bricklayers, cement masons, plasterers, stone masons, marble, tile and terrazzo workers:					
Woonsocket, N. Smithfield, Burrillville and Cumberland Hill	8.67	.25	.30		.01
Remainder of Providence County:					
Bricklayers and stone masons	8.57	.25	.35		.01
Cement masons	7.95	.50	.35		
Marble, tile and terrazzo workers	8.55	.25	.35		
Plasterers	8.15	.50	.35		
Carpenters, soft floor layers, piledriver-men:					
Burrillville, N. Smithfield, Woonsocket Townships,	6.35	.35	.35		
Remainder of Providence County:					
Carpenters, soft floor layers and piledrivers	8.25	.35	.35		.01
Electricians	8.40	.38	13+.25		.02
Glassers	7.74	.42	.30		.01
Ironworkers: Str., Orn., Reinforcing	7.70	.45	.80+.50		.02
Laborers:					
Laborers, Building					
Laborers, carpenters tender, cement finisher tenders, mason tenders	6.80	.40	.40		.05
Jackhammers, paving breaker, chain saw pipelayers, mechanical grinder, all other pneumatic tools, barco type					
jumping tampers	7.05	.40	.40		.05
Plasterers tenders	7.05	.25	.40		.05
Powdermen blasters	7.55	.40	.40		.05
Laborers, Wrecking:					
Laborers, signalmen	6.80	.40	.40		.05
Adman, burner, jackhammer	7.05	.40	.40		.05

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## RESIDENTIAL CONSTRUCTION

Lathers  
 Marble, tile and terrazzo workers'  
 helpers

Painters:  
 Brush & roller

Structural steel & steam cleaning

Spray & sand or water blasting

Air power brush

Plumbers

Roofers:

Composition, waterproofers

Slate, tile and precast concrete

Helpers, Class A

Helpers, Class B

Sheet metal workers

Steamfitters, pipfitters

Truck Drivers: Residential

2-Axle; dumps

3-Axle; trailers

Low beds, trailers (24 tons and over);

trailers (1-beam), specialized earth

moving equipment

Euclid type equipment over 35 ton capacity

Welders - receive rate prescribed for

craft performing operation to which

welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;

F-Christmas Day.

FOOTNOTES:

A. Paid Holiday: "D".



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RESIDENTIAL CONSTRUCTION POWER  
EQUIPMENT OPERATORS

Digging machines, cranes, pile drivers,  
lighters, locomotives, derricks, hoists,  
pavers, and front-end loaders 3 yds.  
and over  
Economy type equipment  
Fork lift  
Fireman and Oilers  
Bulldozers, graders, spreaders, tractors,  
scraper, rollers and front-end loaders  
less than 3 yds.  
Pipin type backhoes  
Maintenance Engineers  
Well-point installation  
Gas or electric driven pumps, heater,  
concrete mixer, stone crushers, air  
compressors, welding machines and  
generators for light plants

Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pension	Vacation	App. Tr.
\$9.35	.40	.40		.05
9.10	.40	.40		.05
8.85	.40	.40		.05
7.45	.40	.40		.05
8.00	.40	.40		.05
8.30	.40	.40		.05
7.90	.40	.40		.05
8.05	.40	.40		.05
8.20	.40	.40		.05

SUPERSEDES DECISION

STATE: Rhode Island  
DECISION NO. AQ-2010  
Supercedes Decision No. AF-497 dated April 6, 1973, in 38 FR 8864  
DESCRIPTION OF WORK: Residential construction (consisting of single family homes  
and garden type apartments up to and including 4-stories).

COUNTY: Washington  
DATE: Date of Publication

S-RI-1-0

## RESIDENTIAL CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pension	Vacation	App. Tr.
\$8.80	.505	.45		.005
8.02	.25	.35		
8.57	.25	.35		.01
8.25	.35	.35		.01
8.25	.35	.35		
6.075	.15	.20		
7.95	.50	.35		
8.80	.75	154.20		1/2
8.40	.38	154.25		.02
7.74	.42	.30		.01
7.70	.45	.80+.50		.02
6.80	.40	.40		.05
7.05	.40	.40		.05
7.05	.40	.40		.05
7.55	.40	.40		.05
6.80	.40	.40		.05
7.05	.40	.40		.05

Asbestos workers  
Bricklayers and stone masons:  
Westerly, Hopkinton, So. Kingstown,  
Charlestown, Richmond, Wakefield,  
Peace Dale, Kingston  
Exeter, Johnson, No. Kingstown, Narra-  
gansett (including the Pier of Point  
Judith)  
Carpenters and soft floor layers:  
North Kingstown:  
Carpenters, soft floor layers & pile-  
drivers  
Remainder of County:  
Carpenters, soft floor layers & pile-  
drivers  
Cement masons:  
Westerly, Hopkinton, So. Kingstown,  
Charlestown, Richmond, Wakefield,  
Peace Dale, Kingston  
Exeter, Narragansett, No. Kingstown,  
Gould  
Electricians:  
Westerly Township  
Remainder of County  
Glaziers  
Ironworkers: Structural, Ornamental,  
and Reinforcing  
Laborers, Building:  
Laborers, carpenters' tenders, cement  
finisher tenders, mason tenders  
Jackhammer, paving, breaker, chain saw,  
pipelayers, mechanical grinder, all  
other pneumatic tools, barco type  
Jumping tampers  
Plasterer's tenders  
Powdermen blasters  
Laborers, Wrecking:  
Laborers, signalmen  
Adman, Turner, Jackhammer



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RESIDENTIAL CONSTRUCTION POWER  
EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pension	Vacation	App. Tr.	
Lathers	.45	.50		.01	
Marble, Tile and Terrazzo workers:					
Exeter, N. Kingstown, Narragansett,	.25	.35			
(including the Pier of Point Judith)					
Marble, Tile and Terrazzo Helpers	.40	.40			
Painters:					
Brush & Roller	.40	.40			
Structural steel & steam cleaning	.40	.40			
Spray & Sand or water blasting	.40	.40			
Air Power Brush	.40	.40			
Plasterers, Exeter, Narragansett, N.	.50	.35			
Kingston					
Plasterers (Westerly, Hookington, S.	.25	.35			
Kingston, Charlestown, Richmond, Wake-					
field and Peace Dale)	.35	.35			
Plumbers					
Boofers:					
Composition, waterproofer	.20	.25			
Slate, tile, precast concrete	.20	.25			
Helpers, Class "A"	.20	.25			
Helpers, Class "B"	.20	.25			
Sheet metal workers	.56	.35			.05
Steamfitters	.82	.35			.03
Truck Drivers: Building					
Two-axle; dumps	.30	.50			
Three-axle; trailers	.30	.50			
Low-bed trailers (24 tons & over) Trail-					
ers (I-Beam), specialized earth mov-					
ing equipment (Euclid type)	.30	.50			
Euclid type equipment over 35 ton capa-					
city	.30	.50			
Welders - received rate prescribed for					
craft performing operation to which					
welding is incidental.					
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;					
F-Christmas Day.					
FOOTNOTE:					
a. Paid Holiday: "D"					

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RESIDENTIAL CONSTRUCTION POWER  
EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pension	Vacation	App. Tr.	
Digging Machines, cranes, pile drivers,					
lighters, locomotives, derricks, hoists					
pavers, and front-end loaders 3 yds.					
and over	.40	.40			.05
Economobile type equipment	.40	.40			.05
Fork lift	.40	.40			.05
Firemen and Oilers					
Bulldozers, graders, spreaders, tractors					
scrappers, rollers and front-end loaders					
less than 3 yds.	.40	.40			.05
Pippin type backhoes	.40	.40			.05
Maintenance Engineers	.40	.40			.05
Well-point Installation					
Gas or electric driven pumps, heater,					
concrete mixers, stone crushers, air					
compressors, welding machines and					
generators for light plants	.40	.40			.05

[FBI Doc 73-17749 Filed 8-23-73; 8:45 am]



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