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PART I



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

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and date

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29077; 10-19-73

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List of CFR Parts Affected

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

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11. CEM 1000 Series Parts List

12. CEM 1000 Series Parts List

Rules and Regulations

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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER PART 18—PREPARATION AND TRANS- MITTAL OF DOCUMENTS GENERALLY Exceptions From Highlights Requirement

Since May, 1971, agencies have been required to submit summary statements with each document for inclusion in the "Highlights" section of the FEDERAL REGISTER except in cases where exceptions were granted under 1 CFR 18.16(b). Notices of these exceptions appear in the FEDERAL REGISTER at 36 FR 7757, April 24, 1971; 36 FR 11822, June 19, 1971; 36 FR 13709, July 23, 1971; and 36 FR 20453, October 22, 1971.

Recently, an agency requested that the Director of the Federal Register grant another general exception applicable to all agencies. The specific class of documents involved is the notices of advisory committee meetings required by Public Law 92-463.

The agency pointed out that these notices are usually one page documents and that the essential information is summarized by the Office of the Federal Register in the listing of meetings which now appears in the "Highlights" section of the FEDERAL REGISTER. The agency felt, and the Director of the Federal Register agrees, that in view of this daily listing, the requirement that an agency prepare a separate highlight statement for each such document is unnecessary. Therefore, the exception request is granted. This new exception appears as General Exception No. 71-7 in the listing which follows. While this exception relieves agencies of the responsibility for submitting highlights for these documents, the Office of the Federal Register will continue to prepare a listing of meetings for inclusion in the "Highlights" of the daily issue.

A specific exception was granted to the National Park Service on March 28, 1973, relating to special regulations for individual or small groups of park areas. This specific exception has not been published prior to its inclusion in this republication as 71-116.

The listing of all general and specific exceptions is republished as Tables I and II following 1 CFR § 18.16. It is being included with the regulations of the Administrative Committee to facilitate research and provide a permanent record of the various exceptions granted by the Director of the Federal Register.

Accordingly, immediately following the text of § 18.16 Tables I and II are added reading as set forth below:

Exception No.	Agency	Class of documents
The exceptions listed below do not apply to any individual document that involves issues of broad public interest		
GENERAL EXCEPTIONS		
71-1.....	All agencies.....	Documents that involve the rights or obligations of one or more named persons or companies.
71-2.....	do.....	Documents relating to internal organization, such as delegations of authority.
71-3.....	do.....	Documents relating to employee standards of conduct.
71-4.....	do.....	Documents relating to uniform systems of accounts.
71-5.....	do.....	Financial interest statements.
71-6.....	do.....	Documents implementing and supplementing the Federal Procurement Regulations (41 CFR Ch. I) and the Armed Services Procurement Regulations (32 CFR Ch. I, Subch. A).
71-7.....	do.....	Documents announcing meetings published pursuant to Public Law 92-463.
SPECIFIC AGENCY EXCEPTIONS		
71-100.....	Civil Service Commission.....	The following notice documents: Grants or revocations of authority to make noncareer executive assignment. Manpower shortage listings. Establishments or adjustments of minimum rates and rate ranges.
71-101.....	do.....	All Schedule A, B, and C amendments, additions or revocations in 5 CFR Part 213.
71-102.....	Small Business Administration.....	Notices of declaration of disaster loan areas.
71-103.....	Bureau of Land Management, Department of the Interior.....	Documents which classify lands for disposal or special use, and Public Land Orders (43 CFR Ch. II App.).
71-104.....	General Services Administration.....	Temporary interagency delegations of authority. Property Management Regulations (41 CFR Ch. 101-end).
71-105.....	Rescinded.....	Standard Instrument.
71-106.....	Federal Aviation Administration, Department of Transportation.....	Airworthiness Directives (14 CFR Part 39). Approach Procedures (14 CFR Part 97). Minimum I.F.R. altitudes (14 CFR Part 95). Airspace docket (enroute and terminal) (14 CFR Parts 71, 73, 75).
71-107.....	Agricultural and Marketing Service, Department of Agriculture.....	Regulations governing the handling of certain fruits, vegetables and nuts in designated areas (7 CFR Ch. IX). Milk marketing agreements and orders in designated areas (7 CFR Ch. X).
71-108.....	Agricultural Research Service, Department of Agriculture.....	Animal quarantines for limited geographic areas (9 CFR Ch. I).
71-109.....	Interstate Commerce Commission.....	Car service regulations (40 CFR Part 1035).
71-110.....	Fish and Wildlife Service, Department of the Interior.....	Special regulations respecting wildlife refuges and wildlife research areas (50 CFR 28.28, 32.11, 32.12, 32.21, 32.22, 32.31, 32.32, 33.4, 33.5, 60.11).
71-111.....	Securities and Exchange Commission.....	Interpretative releases and rules relating to forms (17 CFR Ch. II).
71-112.....	Bureau of Indian Affairs, Department of the Interior.....	Documents pertaining to specified reservations and irrigation projects (25 CFR Ch. I).
71-113.....	National Park Service, Department of the Interior.....	Documents concerning named parks (including special regulations in 36 CFR Part 7).
71-114.....	Forest Service, Department of Agriculture.....	National Forests boundary changes.
71-115.....	Coast Guard, Department of Transportation.....	Drawbridge operations (33 CFR Part 117).
71-116.....	National Park Service, Department of the Interior.....	Documents relating to special regulations for individual or small groups of park areas (36 CFR Part 7). Removal of termination dates for special salary rates. Establishment or revision of prescribed minimum educational requirements.

(1 CFR 18.16(b).)

FRED J. EMERY,
Director of the Federal Register.

[FR Doc. 73-24526 Filed 11-15-73; 8:45 am]

Title 7—Agriculture

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

SUBCHAPTER C—SPECIAL PROGRAMS

PART 760—INDEMNITY PAYMENT PROGRAMS

Subpart—Dairy Indemnity Program

The regulations issued by the Department of Agriculture which set forth the

terms and conditions under which indemnity payments will be made to eligible dairy farmers whose milk is removed from the market because of pesticide residue content and to manufacturers of dairy products who have been directed to remove their dairy products from commercial markets because of pesticide residues, 33 FR 2497, 33 FR 17341, as amended, 36 FR 5205, are hereby revised to read as follows in order to extend the effective date of the indemnity

payment program and to incorporate provisions for making indemnity payments to dairy farmers on the actual quantity of milk removed from the market. Consideration will be given to amending these regulations at a later date to incorporate provisions for making indemnity payments on dairy cows.

PROGRAM OPERATIONS

- Sec.
760.1 Administration.
760.2 Definitions.

PAYMENTS TO DAIRY FARMERS FOR MILK

- 760.3 Indemnity payments on milk.
760.4 Normal marketings of milk.
760.5 Fair market value of milk.
760.6 Information to be furnished.
760.7 Other requirements for affected farmers.
760.8 Application for payments for milk.

PAYMENTS TO MANUFACTURERS

- 760.20 Payments to manufacturers of dairy products.
760.21 Application for payments by manufacturers.
760.22 Information to be furnished by manufacturer.
760.23 Other requirements for affected manufacturers.

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- 760.24 Limitation of authority.
760.25 Estates and trusts; minors.
760.26 Appeals.
760.27 Setoffs.
760.28 Overdisbursement.
760.29 Death, incompetency or disappearance.
760.30 Records and inspection thereof.
760.31 Assignment.
760.32 Instructions and forms.

AUTHORITY: The provisions of this Part 760 issued pursuant to Public Law 90-484 (82 Stat. 750), as amended, Public Law 91-524 (84 Stat. 1361), Public Law 93-86 (87 Stat. 223).

PROGRAM OPERATIONS

§ 760.1 Administration.

This indemnity payment program will be carried out by ASCS under the direction and supervision of the Deputy Administrator. In the field, the program will be administered by the State and County Committees.

§ 760.2 Definitions.

For purposes of this subpart, the following terms shall have the meanings specified:

- (a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the U.S. Department of Agriculture to whom he has delegated, or to whom he may hereafter delegate, authority to act in his stead.
(b) "ASCS" means the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.
(c) "Deputy Administrator" means the Deputy Administrator, Programs, ASCS.
(d) "State Committee" means the Agricultural Stabilization and Conservation State Committee.
(e) "County Committee" means the Agricultural Stabilization and Conservation County Committee.
(f) "Pesticide" means an economic poison which was registered pursuant to

the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135-135k), and approved for use by the Federal Government.

(g) "Public agency" means any Federal, State, or local public regulatory agency.

(h) "Affected farmer" means a person who produces whole milk which is removed from the commercial market any time from January 1, 1964, to June 30, 1977, pursuant to the direction of a public agency or a milk handler because of the detection of pesticide residue in such whole milk by tests made by a public agency or under a testing program deemed adequate for the purpose by a public agency.

(i) "Affected manufacturer" means a person who manufactures dairy products which are removed from the commercial market any time from November 30, 1970, to June 30, 1977, pursuant to the direction of a public agency because of the detection of pesticide residue in such dairy products by tests made by a public agency or under a testing program deemed adequate for the purpose by a public agency.

(j) "Milk handler" means the marketing agency to or through which the affected dairy farmer marketed his whole milk at the time he was directed to remove his whole milk from the commercial market.

(k) "Person" means an individual, partnership, association, corporation, trust, estate, or other legal entity.

(l) "Application period" means any period beginning not earlier than January 1, 1964, and ending not later than June 30, 1977, during which an affected farmer's whole milk is removed from the commercial market pursuant to direction of a public agency or milk handler for the reason specified in paragraph (h) of this section and for which application for payment is made.

(m) "Pay period" means (1) in the case of an affected farmer who markets his whole milk through a milk handler, the period used by the milk handler in settling with the affected farmer for his whole milk, usually biweekly or monthly, or (2) in the case of an affected farmer whose commercial market consists of direct retail sales to consumers, a calendar month.

(n) "Whole milk" means milk as it is produced by cows.

(o) "Commercial market" means (1) the market to which the affected farmer normally delivers his whole milk and from which it was removed because of detection therein of pesticide residue, or (2) the market to which the affected manufacturer normally delivers his dairy products and from which they were removed because of detection therein of pesticide residue.

(p) "Removed from the commercial market" means (1) produced and destroyed or fed to livestock, (2) produced and delivered to a handler who destroyed it or disposed of it as salvage (such as separating whole milk, destroying the fat, and drying the skim milk), or (3)

produced and otherwise diverted to other than the commercial market.

(q) "Payment subject to refund" means a payment which is made by a milk handler to an affected farmer, and which such farmer is obligated to refund to the milk handler.

PAYMENTS TO DAIRY FARMERS FOR MILK

§ 760.3 Indemnity payments on milk.

An indemnity payment for milk will be made to an affected farmer who is determined by the County Committee to be in compliance with all the terms and conditions of this subpart in the amount of the fair market value of his normal marketings for the application period, as determined in accordance with §§ 760.4 and 760.5, less (a) any amount he received for whole milk marketed during the application period, and (b) any payment not subject to refund which he received from a milk handler with respect to whole milk removed from the commercial market during the application period.

§ 760.4 Normal marketings of milk.

(a) The County Committee shall determine the affected farmer's normal marketings which, for the purposes of this subpart, shall be the sum of the quantities of whole milk which such farmer would have sold in the commercial market in each of the pay periods in the application period but for the removal of his whole milk from the commercial market because of the detection of pesticide residue.

(b) Determination of normal marketings for each pay period shall be based upon: (1) The actual quantity of milk produced and removed from the market provided such quantity does not exceed the quantity estimated under paragraphs (b) (2) or (b) (3) of this section, (2) If the affected farmer or another person marketed whole milk from the farm during the period in the previous year equivalent to the pay period, the marketings of whole milk from the farm during such equivalent period, or (3) If the affected farmer or another person did not market whole milk from the farm during the period in the previous year equivalent to the pay period, the average of the affected farmer's marketings of whole milk from the farm per pay period during the three months immediately prior to removal of his whole milk from the commercial market.

(c) The base for normal marketings determined (1) under paragraph (b) (2) of this section shall be adjusted to reflect any change in the rate of the affected farmer's whole milk production from the production of the previous year due to factors such as changes in herd size both before and after removal of whole milk from the commercial market, and changes in management practices before such removal, or (2) under paragraph (b) (3) of this section shall be adjusted to reflect normal changes in the affected farmer's whole milk production during the pay period due to seasonal factors affecting production and changes in herd size.

(d) If only a portion of a pay period falls within the application period, normal marketings for such pay period shall be reduced so that they represent only that part of such pay period which is within the application period.

§ 760.5 Fair market value of milk.

(a) The County Committee shall determine the fair market value of the affected farmer's normal marketings, which, for the purposes of this subpart, shall be the sum of the net proceeds such farmer would have received for his normal marketings in each of the pay periods in the application period.

(b) The County Committee shall determine the net proceeds the affected farmer would have received in each of the pay periods in the application period (1) in the case of an affected farmer who markets his whole milk through a milk handler, by multiplying the affected farmer's normal marketings for each such pay period by the average net price per hundredweight of whole milk paid during the pay period by such farmer's milk handler in the same area for whole milk similar in quality and butterfat test to that marketed by the affected farmer in the base period used to determine his normal marketings, or (2) in the case of an affected farmer whose commercial market consists of direct retail sales to consumers, by multiplying the affected farmer's normal marketings for each such pay period by the average net price per hundredweight of whole milk, as determined by the County Committee, which other producers in the same area who marketed their whole milk through milk handlers received for whole milk similar in quality and butterfat test to that marketed by the affected farmer during the base period used to determine his normal marketings.

(c) In determining the net price for whole milk, the County Committee shall deduct from the gross price therefor any transportation, administrative, and other costs of marketing which it determines are normally incurred by the affected farmer but which were not incurred because of the removal of his whole milk from the commercial market.

§ 760.6 Information to be furnished.

The affected farmer shall furnish to the County Committee complete and accurate information sufficient to enable it to make the determinations required in §§ 760.4 and 760.5. Such information shall include, but is not limited to:

(a) A copy of the notice from, or other evidence of action by, the public agency or milk handler which resulted in the removal of the affected farmer's whole milk from the commercial market.

(b) The name of the pesticide causing the removal of his whole milk from the commercial market, if not included in the notice or other evidence of action furnished under paragraph (a) of this section.

(c) A record of the quantity and butterfat test of whole milk which he produced on his farm and marketed, (1) if the affected farmer is covered by the provisions of § 760.4(b) (1) and (2), during

each pay period during the 15 months immediately prior to the time the whole milk was removed from the commercial market, or (2) if the affected farmer is covered by the provision of § 760.4(b) (3), during the three months immediately prior to the removal of his whole milk from the commercial market. This record shall be either a certified statement furnished by the affected farmer's milk handler, or such other evidence as the County Committee determines accurately establishes the butterfat test and quantity of whole milk produced and marketed during such periods.

(d) The number of cows milked during each pay period in the application period, and during the pay periods within the 3-month period immediately prior to the application period.

(e) If the affected farmer markets his whole milk through a milk handler, a statement from the milk handler showing for each pay period in the application period, the average price per hundredweight of whole milk paid producers in the affected farmer's area for whole milk similar in quality to that marketed by the affected farmer during the base period used to determine his normal marketings. If the milk handler has information as to the transportation, administrative, and other costs of marketing which are normally incurred by producers who market through the milk handler but which the affected farmer did not incur because of removal of his whole milk from the market, the average price stated by the milk handler shall be the average gross price paid producers less any such costs. If the milk handler does not have such information, the affected farmer shall furnish a statement setting forth such costs, if any.

(f) The amount of proceeds, if any, received by the affected farmer from the marketing of whole milk produced during the application period.

(g) The amount of any payments not subject to refund made to the affected farmer by the milk handler with respect to the whole milk produced during the application period and removed from the commercial market.

(h) To the extent that such information is available to the affected farmer, the name of any pesticide used on the farm within 24 months prior to the application period, the use made of the pesticide, the approximate date of such use, and the name of the manufacturer and the registration number, if any, on the label on the container of the pesticide.

(i) To the extent possible, the source of the pesticide that caused the contamination of the whole milk, and the results of any laboratory tests on the feed supply.

(j) Such other information as the County Committee may request to enable them to make the determinations required in this subpart.

§ 760.7 Other requirements for affected farmers.

An indemnity payment for milk will be made under this subpart to an affected

farmer only under the following conditions:

(a) If the pesticide contaminating the milk was used by the affected farmer, he establishes each of the following:

(1) That the pesticide, when used, was registered and recommended for such use as provided in § 760.2(f);

(2) That the contamination of his milk was not the result of his failure to use the pesticide according to the directions and limitations stated on the label of the pesticide; and

(3) That the contamination of his milk was not otherwise his fault.

(b) If the pesticide contaminating the milk was not used by the affected farmer:

(1) He did not know or have reason to believe that any feed which he purchased and which contaminated his milk contained a harmful level of pesticide residue;

(2) None of the milk was produced by dairy cattle which he knew, at the time he acquired them, were contaminated by pesticide residue; and

(3) The contamination of his milk was not otherwise his fault.

(c) The affected farmer has adopted practices recommended for eliminating pesticide residues from his milk as soon as practicable.

§ 760.8 Application for payments for milk.

The affected farmer or his legal representative, as provided in §§ 760.16 and 760.20, must sign and file an application for payment on a form which is approved for that purpose by the Deputy Administrator. The form must be filed with the ASCS County Office for the county where the farm headquarters are located no later than August 31, 1977, or such later date as the Deputy Administrator may specify. The application for payment shall cover application periods of at least 28 days, except that, if the entire application period, or the last application period, is shorter than 28 days, applications for payment may be filed for such shorter period. The application for payment shall be accompanied by the information required by § 760.6 as well as any other information which will enable the County Committee to determine whether or not the making of an indemnity payment is precluded for any of the reasons set forth in § 760.7. Such information shall be submitted on such forms as may be approved for the purpose by the Deputy Administrator.

PAYMENTS TO MANUFACTURERS

§ 760.20 Payments to manufacturers of dairy products.

An indemnity payment will be made to the affected manufacturer who is determined by the Deputy Administrator to be in compliance with all the terms and conditions of this subpart in the amount of the fair market value of the product removed from the commercial market because of pesticide residues, less any amount the manufacturer receives for the product in the form of salvage.

§ 760.21 Application for payments by manufacturer.

The affected manufacturer, or his legal representative, shall file an application for payment with the Deputy Administrator, ASCS, Washington, D.C., through the county office serving the county where the contaminated product is located. The application for payment may be in the form of a letter or memorandum. Such letter or memorandum, however, must be accompanied by acceptable documentation to support such application for payment.

§ 760.22 Information to be furnished by manufacturer.

The affected manufacturer shall furnish the Deputy Administrator, through the County Committee, complete and accurate information sufficient to enable him to make the determination as to the manufacturer's eligibility to receive an indemnity payment. Such information shall include but is not limited to:

(a) A copy of the notice or other evidence of action by the public agency which resulted in the product being removed from the commercial market.

(b) The name of the pesticide causing the removal of the product from the commercial market and, to the extent possible, the source of the pesticide.

(c) A record of the quantity of milk or butterfat used to produce the product for which an indemnity payment is requested.

(d) The identity of any pesticide used by the affected manufacturer.

(e) Such other information as Deputy Administrator may request to enable him to make the determinations required in this subpart.

§ 760.23 Other requirements for affected manufacturers.

An indemnity payment will be made under this subpart to an affected manufacturer only under the following conditions:

(a) If the pesticide contaminating the product was used by the affected manufacturer, he establishes each of the following: (1) That the pesticide, when used, was registered and recommended for such use as provided in § 760.2(f); (2) that the contamination of his product was not the result of his failure to use the pesticide in accordance with the directions and limitations stated on the label of the pesticide; and (3) that the contamination of his product was not otherwise his fault.

(b) If the pesticide contaminating the product was not used by the affected manufacturer: (1) He did not know or have reason to believe that the milk from which the product was processed contained a harmful level of pesticide residue; and (2) the contamination of his product was not otherwise his fault.

GENERAL PROVISIONS**§ 760.24 Limitation of authority.**

(a) County executive directors and State and County Committees do not have authority to modify or waive any of

the provisions of the regulations in this subpart.

(b) The State Committee may take any action authorized or required by the regulations in this subpart to be taken by the County Committee when such action has not been taken by the County Committee. The State Committee may also (1) correct, or require a County Committee to correct, any action taken by such County Committee which is not in accordance with the regulations in this subpart, or (2) require a County Committee to withhold taking any action which is not in accordance with the regulations in this subpart.

(c) No delegation herein to a State or County Committee shall preclude the Deputy Administrator or his designee from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or County Committee.

§ 760.25 Estates and trusts; minors.

(a) A receiver of an insolvent debtor's estate and the trustee of a trust estate shall, for the purposes of this subpart, be considered to represent an insolvent affected farmer or manufacturer and the beneficiaries of a trust, respectively, and the production of the receiver of trustee shall be considered to be the production of the person or manufacturer he represents. Program documents executed by any such person will be accepted only if they are legally valid and such person has the authority to sign the applicable documents.

(b) An affected dairy farmer or manufacturer who is a minor shall be eligible for indemnity payments only if he meets one of the following requirements:

(1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable program documents are signed by the guardian; or (3) a bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had he been an adult.

§ 760.26 Appeals.

The Appeal Regulations issued by the Administrator, ASCS, Part 780 of this chapter, shall be applicable to appeals by dairy farmers or manufacturers from determinations made pursuant to the regulations in this subpart.

§ 760.27 Setoffs.

(a) If the affected farmer or manufacturer is indebted to any agency of the United States and such indebtedness is listed on the county debt record, indemnity payments due the affected farmer or manufacturer under the regulations in this part shall be applied, as provided in the Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(b) Compliance with the provisions of this section shall not deprive the affected farmer or manufacturer of any right he would otherwise have to contest the justness of the indebtedness in-

volved in the setoff action, either by administrative appeal or by legal action.

§ 760.28 Overdisbursement.

If the indemnity payment disbursed to an affected farmer or to manufacturer exceeds the amount authorized under the regulations in this subpart, the affected farmer or manufacturer shall be personally liable for repayment of the amount of such excess.

§ 760.29 Death, incompetency or disappearance.

In the case of the death, incompetency, or disappearance of any affected farmer or manufacturer who is entitled to an indemnity payment, such payment may be made to the person or persons specified in the regulations contained in Part 707 of this chapter. The person requesting such payment shall file Form ASCS-325, "Application For Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," as provided in that part.

§ 760.30 Records and inspection thereof.

(a) The affected farmer, as well as his milk handler and any other person who furnishes information to such farmer or to the County Committee for the purpose of enabling such farmer to receive a milk indemnity payment under this subpart, shall maintain any existing books, records, and accounts supporting any information so furnished for 3 years following the end of the year during which the application for payment was filed. The affected farmer, his milk handler and any other person who furnishes such information to the affected farmer or to the County Committee, shall permit authorized representatives of the Department of Agriculture and the General Accounting Office, during regular business hours, to inspect, examine, and make copies of such books, records and accounts.

(b) The affected manufacturer or any other person who furnishes information to the Deputy Administrator for the purposes of enabling such manufacturer to receive an indemnity payment under this subpart shall maintain any books, records, and accounts supporting any information so furnished for 3 years following the end of the year during which the application for payment was filed. The affected manufacturer or any other person who furnishes such information to the Deputy Administrator shall permit authorized representatives of the Department of Agriculture and the General Accounting Office, during regular business hours, to inspect, examine, and make copies of such books, records, and accounts.

§ 760.31 Assignment.

No assignment shall be made of any indemnity payment due or to come due under the regulations in this subpart.

§ 760.32 Instructions and forms.

The Deputy Administrator shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in this subpart. Affected

farmers and manufacturers may obtain information necessary to make application for a dairy indemnity payment from the ASCS County Office. The following forms may be obtained at the ASCS County Office: ASCS-373—Application for Milk Indemnity Payment, ASCS-374—Marketing and Payment Report, Milk Indemnity Payment Program.

NOTE.—The reporting and/or recordkeeping requirements contained herein has been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: November 16, 1973.

Signed at Washington, D.C., on November 8, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-24476 Filed 11-15-73;8:45 am]

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

[Lemon Reg. 613]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Nov. 18-24, 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.

§ 910.913 Lemon Regulation 613.

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

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

(1) The committee has submitted its recommendation with respect to the

quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is expected to be stronger this week as the trade continues to build inventories in anticipation of Thanksgiving Holiday sales. Sales volume next week is expected to remain about unchanged. Average f.o.b. price was \$6.35 per carton the week ended Nov. 10, 1973, compared to \$6.29 per carton the previous week. Track and rolling supplies at 135 cars were up 19 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 12, 1973.

(b) Order. (1) The quantity of lemons grown in California and Arizona which may be handled during the period Nov. 18, 1973, through November 24, 1973, is hereby fixed at 200,000 cartons.

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

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

Dated: November 15, 1973.

FLOYD P. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-24596 Filed 11-15-73;8:45 am]

Title 9—Animals and Animal Products CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

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

PART 73—SCABIES IN CATTLE

Statement of Policy Concerning Quarantining for Cattle Scabies

Statement of considerations. Psoroptic cattle scabies is a disease of cattle caused by the mite Psoroptis Bovis which attacks the skin of the animal and feeds on blood serum thus causing a loss of weight and damage to the skin and general condition of animals affected. The disease is endemic in the United States.

Regulations (including quarantine provisions) regulating the interstate movement of cattle because of this disease are contained in (9 CFR) Part 73.

In order to inform the public as to the policy of the Department with respect to the imposition of quarantines for cattle scabies, it is deemed appropriate to promulgate a statement of policy to appear in 9 CFR Part 73, pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f).

Part 73 is hereby amended by adding a new § 73.1b to read:

§ 73.1b Quarantine policy.

The Act of March 3, 1905, as amended (21 U.S.C. 123), authorizes the Secretary of Agriculture to quarantine any State, or any portion of any State, when he determines the fact that any animals in such jurisdiction are affected with any contagious, infectious, or communicable disease of livestock or that the contagion of any such disease exists, or that vectors which may disseminate any such disease exist in such jurisdiction. Pursuant to this authority, the Department has quarantined various areas because of cattle scabies and has issued the regulations in this Part governing the interstate movement of cattle from such areas.

It is the policy of the Department to quarantine those portions of any State that are clearly identifiable, and in which exist animals affected with cattle scabies, or mites which are the contagion of said disease and not to quarantine an entire State for cattle scabies if the State adopts and enforces requirements for the intrastate movement of

cattle that are at least as stringent as the requirements in the regulations in this Part for interstate movements of cattle. Further, it is the policy of the Department to remove the quarantine from any quarantined area when it is determined that scabies-affected animals and the mites which are the contagion of scabies no longer exist in such areas.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 83 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-26, 134b, 134f, 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective November 16, 1973.

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

E. E. SAULMON,
Deputy Administrator, Veter-
inary Services, Animal and
Plant Health Inspection
Service.

[FR Doc. 73-24522 Filed 11-15-73; 8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 266—LIMITATIONS ON ACTIVITIES OF FORMER MEMBERS AND EMPLOYEES OF THE BOARD

By notice of proposed rulemaking published in the FEDERAL REGISTER on September 21, 1973 (38 FR 26469), the Board of Governors proposed to adopt rules to limit the activities of former members and employees of the Board in matters connected with their duties or official responsibilities while serving with the Board.

Although the Federal Criminal Code applies criminal sanctions against former officers and employees of the Government whose activities involve a conflict of interest or an appearance of such conflict, it is believed that rules of the Board as to personal appearance before the Board or the Federal Reserve Banks would provide additional protection to the public as well as to both present and former employees. The adoption of such rules seems particularly desirable in view of the increase in the last few years in the number of the Board's employees and in the Board's responsibilities in areas that require applications for its approval.

Accordingly, the Board adopts the following new Part 266, to be effective November 6, 1973:

- Sec.
266.1 Basis and scope.
266.2 Definitions.
266.3 Limitations.
266.4 Suspension of appearance privilege.
266.5 Criminal penalties.

AUTHORITY: Sec. 11(i) Federal Reserve Act (12 U.S.C. 248(i)) (5 U.S.C. 552).

§ 266.1 Basis and scope.

This part, issued under authority of section 11(i) of the Federal Reserve Act

(12 U.S.C. 248(i)), and pursuant to section 552 of Title 5 of the United States Code, which requires that every agency shall publish in the FEDERAL REGISTER its rules of procedure, relates to limitations on former members and employees of the Board with respect to participation in matters connected with their former duties and official responsibilities while serving with the Board.¹

§ 266.2 Definitions.

(a) "Employee" means a regular officer or employee of the Board; it does not include a consultant to the Board.²

(b) "Official responsibility," with respect to a matter, means administrative, supervisory, or decisional authority, whether intermediate or final, exercisable alone or with others, personally or through subordinates, to approve, disapprove, decide, or recommend Board action or to express staff opinions in dealings with the public.

(c) "Appear personally" includes personal appearance or attendance before, or personal communication, either written or oral, with the Board or a Federal Reserve Bank or any member or employee thereof, or personal participation in the formulation or preparation of any material presented or communicated to, or filed with, the Board, in connection with any application or interpretation arising under the statutes or regulations administered by the Board or the Federal Reserve Banks, except that requests for general information or explanations of Board policy or interpretation shall not be construed to be a personal appearance.

§ 266.3 Limitations.

(a) *Matters on which Board member or employee worked.* No former member or employee of the Board shall appear personally before the Board or a Federal Reserve Bank on behalf of anyone other than the United States, an agency thereof, or a Federal Reserve Bank, in connection with any judicial or other proceedings, application, request for ruling or determination, or other particular matter involving a specific party or parties in which the United States, an agency thereof, or a Federal Reserve Bank is also a party or has a direct and substantial interest and in which he participated personally and substantially as a member or employee of the Board through approval, disapproval, decision, recommendation, advice, investigation or otherwise.

¹ While the Board has not adopted rules with regard to the disclosure of unpublished information by former Board members and employees, it advises such persons not to disclose unpublished information of the Board obtained in the course of their work. Questions in this regard may be addressed to the General Counsel or the Secretary of the Board.

² While former consultants to the Board are not covered by these Rules, they appear to fall within the coverage of section 207 of the United States Criminal Code (18 U.S.C. § 207) that provides criminal penalties for engaging in activities similar, although not identical, to those described in paragraphs (a) and (b) of § 266.3 of this part.

(b) *Matters within Board member or employee's official responsibility.* No former member or employee of the Board shall appear personally before the Board or a Federal Reserve Bank on behalf of anyone other than the United States, an agency thereof, or a Federal Reserve Bank, in connection with any judicial or other proceeding, application, request for ruling or determination, or other particular matter involving a specific party or parties in which the United States, an agency thereof, or a Federal Reserve Bank is also a party or has a direct and substantial interest, and which matter was in process during his tenure of office or period of employment and under his official Board responsibility, at any time within a period of one year after the termination of such responsibility.

(c) *Consultation as to propriety of appearance before the Board.* Any former member or employee of the Board who wishes to personally appear before the Board or a Federal Reserve Bank on behalf of any party other than the United States or an agency thereof or a Federal Reserve Bank at any time within two years from termination of employment with the Board is advised to consult the General Counsel or the Secretary of the Board as to the propriety of such appearance.

(d) *Rulemaking proceedings.* Nothing in this section shall preclude a former member or employee of the Board from representing another person in any Board or Federal Reserve Bank proceeding governed by a rule, regulation, standard, or policy of the Board solely by reason of the fact that such former member or employee participated in or had official responsibility in the formation or adoption of such rule, regulation, standard, or policy.

(e) *Effective date.* This Part shall become effective November 6, 1973. Notwithstanding the foregoing, the limitations of this Part shall not apply to any activities with respect to a specific matter before the Board in which any former Board member or employee may be engaged on September 21, 1973, the date of publication of this Part, until the expiration of 60 days following the effective date of this Part or of such additional period as the Secretary of the Board may determine to be appropriate in order to avoid inequity.

§ 266.4 Suspension of appearance privilege.

If any person knowingly and willfully fails to comply with the provisions of this part, the Board may decline to permit such person to appear personally before it or a Federal Reserve Bank for such periods of time as it may determine and may impose such other sanctions as the Board may deem just and proper.

§ 266.5 Criminal penalties.

Any former member or employee of the Board who engages in actions in contravention of paragraphs (a) or (b) of § 266.3 may be subject to criminal penalties for violation of section 207 of the United States Criminal Code (18 U.S.C. § 207).

By order of the Board of Governors,
November 6, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc. 73-24429 Filed 11-15-73; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SO-61]

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

Alteration of Control Zone

On September 25, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 26731), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Knoxville, Tenn. (Downtown Island Airport) control zone.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 3, 1974, as hereinafter set forth.

In § 71.171 (38 FR 351), the Knoxville, Tenn. (Downtown Island Airport) control zone is amended to read:

KNOXVILLE, TENN. (DOWNTOWN ISLAND AIRPORT)

Within a 5-mile radius of Downtown Island Airport (Lat. 35°57'45" N., Long. 83°52'30" W.); excluding the portion within the Knoxville control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

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

Issued in East Point, Ga., on November 6, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 73-24431 Filed 11-15-73; 8:45 am]

[Airspace Docket No. 73-GL-32]

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

Alteration of Control Zone

On page 21181 of the FEDERAL REGISTER dated August 6, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Battle Creek, Michigan.

Interested persons were given 30 days to submit written comments, suggestions

or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., January 3, 1974.

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

Issued in Des Plaines, Illinois on October 24, 1973.

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

In § 71.171 (37 FR 2056), the following control zone is amended to read:

BATTLE CREEK, MICH.

Within a 5 mile radius of Kellogg Field (latitude 42°18'31" N., longitude 85°14'57" W.) within 2 miles each side of the Battle Creek VORTAC 050°, 117° and 215° radials extending from the 5 mile radius zone to 8 miles NE, SE and SW of the VORTAC; and within 2 miles each side of the Kellogg Field ILS localizer SW course extending from the 5 mile radius zone to 5 miles SW of the approach end of runway 4. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

[FR Doc. 73-24432 Filed 11-15-73; 8:45 am]

[Airspace Docket No. 73-EA-93]

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

Alteration of Control Zone and Transition Area

On page 27942 of the FEDERAL REGISTER for October 10, 1973, the Federal Aviation Administration published a proposed regulation which would alter the Ithaca, N.Y., Control Zone (38 FR 388) and Transition Area (38 FR 507).

Interested parties were given 20 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

It has been determined that a refinement of the description is required. Thus the southeast extension will be widened from 3.5 miles each side of the localizer course to 5.0 miles each side. This change is minor in nature and therefore notice and public procedure thereon are unnecessary.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., December 27, 1973, except as follows:

(1) Delete the figure 3.5 where it appears in the transition area description and insert in lieu thereof 5.0.

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

Issued in Jamaica, N.Y., on November 2, 1973.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Ithaca, N.Y., control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 42°29'29" N., 76°27'30" W. of Tompkins County Airport, Ithaca, N.Y., extending clockwise from a 196° bearing to a 329° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 329° bearing to a 081° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 081° bearing to a 137° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 137° bearing to a 170° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 170° bearing to a 196° bearing from the airport; within 3 miles each side of the Ithaca, N.Y. VORTAC 305° radial, extending from the VORTAC to 8.5 miles northwest of the VORTAC. This control zone shall be effective 0600-2130 hours, local time, Monday through Saturday; 0700-2130 hours, local time Sunday.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Ithaca, N.Y., transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 42°29'29" N., 76°27'30" W. of Tompkins County Airport, Ithaca, N.Y.; within a 10-mile radius of the center of the airport, extending clockwise from a 350° bearing to a 012° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from the 012° bearing to a 036° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 036° bearing to a 065° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 096° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 096° bearing to a 111° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 111° bearing to a 131° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 131° bearing to a 152° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 152° bearing to a 216° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 216° bearing to a 243° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 243° bearing to a 288° bearing from the airport; within 4.5 miles southwest and 9.5 miles northeast of the Ithaca, N.Y. VORTAC 305° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC; within 5.0 miles each side of the Tompkins County Airport ILS localizer southeast course extending from the OM to 11.5 miles southeast of the OM.

[FR Doc. 73-24436 Filed 11-15-73; 8:45 am]

[Airspace Docket No. 73-GL-34]

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

On Pages 24222 and 24223 of the FEDERAL REGISTER dated September 6, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Robinson, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., January 3, 1974.

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

Issued in Des Plaines, Illinois, on October 24, 1973.

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

ROBINSON, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Robinson, Ill. Municipal Airport (latitude 39°01'00" N., longitude 87°39'00" W.) and within 5 miles each side of the 348° and 091° bearings from the Robinson Municipal Airport extending from 7-mile-radius area to 12 miles north and east of the airport, excluding the area which overlies the Sullivan, Indiana, transition area.

[FR Doc.73-24433 Filed 11-15-73; 8:45 am]

[Airspace Docket No. 73-GL-31]

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

On page 18470 of the FEDERAL REGISTER dated July 11, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sheboygan, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., January 3, 1974.

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

Issued in Des Plaines, Illinois, on October 24, 1973.

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

SHEBOYGAN, WIS.

That airspace extending upward from 700 feet above the surface within an 8 mile radius of Sheboygan County Memorial Airport (latitude 43°46'18" N., longitude 87°51'08" W.).

[FR Doc.73-24434 Filed 11-15-73; 8:45 am]

[Airspace Docket No. 73-BA-02]

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

On page 27943 of the FEDERAL REGISTER for October 10, 1973, the Federal Aviation Administration published a proposed regulation which would alter the Saranac Lake, N.Y., Transition Area (38 FR 575).

Interested parties were given 20 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. December 27, 1973.

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

Issued in Jamaica, N.Y., on November 1, 1973.

LOUIS J. CARDINALI,
Acting Director,
Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Saranac Lake, N.Y. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 44°23'03" N., 74°12'21" W., of Adirondack Airport, Saranac Lake, N.Y.; within 4.5 miles southeast and 9.5 miles northwest of the Saranac Lake, N.Y. VOR 237° radial, extending from the VOR to 18.5 miles southwest of the VOR and within 3.5 miles each side of the Adirondack Airport ILS localizer northeast course, extending from the localizer to 11.5 miles northeast of the OM.

[FR Doc.73-24435 Filed 11-15-73; 8:45 am]

[Airspace Docket No. 73-WE-15]

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

On September 25, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 26733) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation

Regulations that would alter the description of the Blythe, California transition area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change.

In line 16 of the text after " * * R-2306B * * * " insert "and 2308A, * * *"

Effective date. This amendment shall be effective 0901 G.m.t., January 3, 1974.

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

Issued in Los Angeles, California, on November 7, 1973.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

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

BLYTHE, CALIF.

That airspace extending upward from 700 feet above the surface within 3 miles each side of the Blythe VORTAC 264° radial, extending from the VORTAC to 9 miles W. of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles S. and 4.5 miles N. of the Blythe VORTAC 264° radial, extending from the VORTAC to 18.5 miles W. of the VORTAC; within 4.5 miles N.W. and 9.5 miles S.E. of the Blythe VORTAC 066° radial, extending from the VORTAC to 28 miles N.E. of the VORTAC; within 9 miles N. and 10 miles S. of the Blythe VORTAC 094° radial, extending from the VORTAC to 36 miles E. of the VORTAC excluding the airspace within R-2306B and 2308A, and that airspace within an arc of an 18-mile radius circle centered on the Blythe Airport (latitude 33°37'15" N., longitude 114°43'00" W.), extending clockwise from longitude 114°30'00" W. to the S. edge of V-16.

[FR Doc.73-24438 Filed 11-15-73; 8:45 am]

[Airspace Docket No. 73-WE-12]

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

On September 13, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 25452) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Livermore Airport, Livermore, California.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., January 3, 1974.

(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 Los Angeles, California, on November 7, 1973.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

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

LIVERMORE, CALIF.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 37°44'09" N., longitude 121°52'00" W., to latitude 37°48'15" N., longitude 121°40'00" W., to latitude 37°41'30" W., longitude 121°34'00" W., to latitude 37°38'00" N., longitude 121°52'00" W., thence to point of beginning.

[FR Doc. 73-24437 Filed 11-15-73; 8:45 am]

[Airspace Docket No. 73-CE-27]

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

Designation and Extension of VOR Federal Airway

On September 25, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 26734) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal Airway No. V-206 from Kirksville, Mo., to Ottumwa, Iowa, and designate new VOR Federal Airway No. V-23 from Kansas City, Mo., to Ottumwa.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., January 31, 1974, as hereinafter set forth.

Section 71.123 (38 FR 307) is amended as follows:

1. In V-206, "Kirksville," is deleted and "Kirksville; to Ottumwa, Iowa," is substituted therefor.

2. "V-22 From Kansas City, Mo.; to Ottumwa, Iowa," is added.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6 (c) of the Department of Transportation Act (48 U.S.C. 1655(c)).

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

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

[FR Doc. 73-24442 Filed 11-15-73; 8:45 am]

[Airspace Docket 73-RM-24]

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

Designation of Alternate Airway

On September 25, 1973, a notice of proposed rulemaking (NPRM) was pub-

lished in the FEDERAL REGISTER (38 FR 26734) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate VOR Federal Airway No. 207 west alternate between Denver, Colo., and Gill, Colo.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., January 31, 1974, as hereinafter set forth.

Section 71.123 (38 FR 307) is amended as follows:

In V-207, "Scottsbluff, Nebr." is deleted and "including a W. alternate via INT Denver 359° and Gill 224° radials; to Scottsbluff, Nebr." is substituted therefor.

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

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

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

[FR Doc. 73-24441 Filed 11-15-73; 8:45 am]

[Airspace Docket No. 73-EA-96]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area, Continental Control Area, and Transition Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to alter Restricted Area R-4002 Bloodsworth Island, Md., by assigning it a controlling agency, and adding it to the continental control area. The amendments will also delete the current exclusion of R-4002 from the Maryland Transition Area.

The Federal Aviation Administration has a requirement for joint use of R-4002 and the Department of the Navy has concurred with authorizing R-4002 for joint use. This will allow R-4002 to be made available for public use when it is not required by the using agency.

These amendments relieve a restriction upon the public and they are minor amendments in which the public is not particularly interested. Therefore, notice and public procedure thereon are unnecessary. Since these amendments relieve a restriction upon the public, they may become effective immediately.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective November 16, 1973, as hereinafter set forth.

1. In § 71.151 (38 FR 341) the following restricted area is added:

R-4002 BLOODSWORTH ISLAND, MD.

2. In § 71.181 (38 FR 435) the Maryland Transition Area is amended by deleting the words "within P-40 and R-

4002." and substituting "within P-40." therefor.

3. In § 73.40 (38 FR 653) the description of Restricted Area R-4002 Bloodsworth Island, Md., is amended to read as follows:

R-4002 BLOODSWORTH ISLAND, MD.

Boundaries. Beginning at Lat. 38°13'00" N., Long. 76°00'00" W.; to Lat. 38°08'00" N., Long. 76°00'00" W.; to Lat. 38°08'00" N., Long. 76°08'50" W.; to Lat. 38°13'00" N., Long. 76°11'20" W.; to the point of beginning.

Designated altitudes. Surface to and including 20,000 feet MSL.

Time of designation. From sunrise to 2400 hours, local time, daily, other times as specified in a NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Amphibious Training Forces Atlantic, U.S. Amphibious Base, Little Creek, Va.

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

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

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc. 73-24443 Filed 11-15-73; 8:45 am]

[Airspace Docket No. 73-NW-16]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to the Federal Aviation Regulations is to reduce the time of designation for Restricted Area R-6701, Admiralty Inlet, Wash., and designate for joint-use Restricted Area R-6707 Queets, Wash.

The United States Navy has concurred with the Federal Aviation Administration to return the airspace associated with R-6701 back for public use on Saturday and Sunday. The Navy also agreed to designate for joint-use R-6707, in order that this airspace be used when not required for military activity.

Since this amendment returns the airspace to public use and is a minor amendment upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. In order to make this airspace available for public use at the earliest possible date, good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective November 16, 1973, as hereinafter set forth.

Section 73.67 (38 FR 675) is amended as follows:

1. In R-6701, Admiralty Inlet, Wash., the time of designation is amended to read as follows:

Time of designation: Sunrise to Sunset, Monday through Friday.

2. In R-6707 Queets, Wash., controlling agency is added before using agency as follows:

Controlling agency: Hoquiam FSS.

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

Department of Transportation Act (49 U.S.C. 1655(c)).

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

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 73-24445 Filed 11-15-73; 8:45 am]

[Airspace Docket No. 73-WA-45]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Routes

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to revoke segments of Jet Route No. 104 and Jet Route No. 4 between Los Angeles, Calif., and Twentynine Palms, Calif. The portion of Jet Route No. 104 is being revoked because it is duplicated by other jet routes and therefore not needed. The portion of Jet Route No. 4 is being revoked to solve a routine ambiguity problem that exists between Jet Route 4 and Jet Route 65 which cross each other twice between Los Angeles, Calif., and Phoenix, Ariz., thereby creating occasional doubt as to where transition will be made from Jet Route No. 4 to Jet Route No. 65. On a flight from Los Angeles via Jet Route Nos. 4 and 65 to Phoenix, transition to Jet Route No. 65 could be made 34 miles west of Twentynine Palms causing the flight to overfly Blythe, Calif.; however, transition could be delayed until 62 miles west of Phoenix, causing the flight to overfly Twentynine Palms. This route ambiguity problem can be resolved by revocation of Jet Route No. 4 west of Twentynine Palms, thereby causing the routes to cross only once.

Since this amendment is minor in nature with no substantive change in the regulations, and one in which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. However, since time must be allowed to make appropriate changes on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 January 3, 1974, as hereinafter set forth.

Section 75.100 (38 FR 681 and 12734) is amended as follows:

1. In Jet Route No. 4: "From Los Angeles, Calif., via intersection of Los Angeles 083° and Twentynine Palms, Calif., 269° radials; Twentynine Palms;" is deleted and "From Twentynine Palms, Calif., via" is substituted therefor.

2. In Jet Route No. 104: "From Los Angeles, Calif., via intersection Los Angeles 083° and Twentynine Palms, Calif., 269° radials; Twentynine Palms;" is deleted, and "From Twentynine Palms, Calif., via" is substituted therefor.

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

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

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 73-24444 Filed 11-15-73; 8:45 am]

[Airspace Docket No. 73-SW-59]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Establishment of Jet Route

On September 25, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 26735), stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would establish new Jet Route No. J-180, from Humble, Tex., to Little Rock, Ark., via Daisetta, Tex.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., January 31, 1974, as hereinafter set forth.

Section 75.100 (38 FR 681), is amended by adding:

"Jet Route No. J-180 From Humble, Tex., via Daisetta, Tex.; to Little Rock, Ark."

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

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

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

[FR Doc. 73-24440 Filed 11-15-73; 8:45 am]

[Docket No. 13305; Amdt. 890]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

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

SIAP's are available for examination to promote safety at the airports at the Rules Docket and at the National

Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective December 27, 1973.

Aberdeen, S. Dak.—Aberdeen Municipal Airport, VOR/DME Runway 13, Amdt. 5.
Aberdeen, S. Dak.—Aberdeen Municipal Airport, VOR Runway 31, Amdt. 12.
Ann Arbor, Mich.—Ann Arbor Municipal Airport, VOR/DME Runway 6, Amdt. 3.
Ann Arbor, Mich.—Ann Arbor Municipal Airport, VOR Runway 24, Amdt. 4.

* * * effective November 6, 1973:

Detroit, Mich.—Detroit City Airport, VOR Runway 33, Amdt. 12.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective December 27, 1973.

Aberdeen, S. Dak.—Aberdeen Municipal Airport, LOC/DME (BC) Runway 13, Amdt. 2.
New York, N.Y.—LaGuardia Airport, LOC (BC) Runway 31, Amdt. 7.

* * * effective November 6, 1973:

Detroit, Mich.—Detroit City Airport, LOC Runway 15, Amdt. 6.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective December 27, 1973.

Aberdeen, S. Dak.—Aberdeen Municipal Airport, NDB Runway 31, Amdt. 2.
Farmingdale, N.Y.—Republic Airport, NDB Runway 1, Amdt. 10.

* * * effective November 5, 1973:

Atlanta, Ga.—Fulton County Airport, NDB Runway 8R, Amdt. 2.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective December 27, 1973.

Aberdeen, S. Dak.—Aberdeen Municipal Airport, ILS Runway 31, Amdt. 2.
Farmingdale, N.Y.—Republic Airport, ILS Runway 14, Amdt. 1.

* * * effective November 8, 1973:

Cleveland, Ohio—Cleveland Hopkins International Airport, ILS Runway 23L, Amdt. 1.

* * * effective November 5, 1973:

Atlanta, Ga.—Fulton County Airport, ILS Runway 8R, Amdt. 3.

* * * effective November 1, 1973:

Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, ILS Runway 26, Amdt. 6.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAP's, effective December 27, 1973.

Cleveland, Ohio—Cleveland Hopkins International Airport, Radar-1, Amdt. 20.
Huntington, W. Va.—Tri-State (Walker Long Field) Airport, Radar-1, Original.

* * * Effective November 5, 1973:

Atlanta, Ga.—Fulton County Airport, Radar-1, Amdt. 11.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective December 27, 1973.

Lufkin, Tex.—Angelina County Airport, RNAV Runway 15, Amdt. 1.

Correction

In Docket No. 13285, Amdt. 888, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER, dated November 1, 1973, on page 30104 under § 97.33, effective December 6, 1973, change effective date of Oklahoma City, Oklahoma-Will Rogers World Airport, RNAV Runway 12, Amdt. 2 to 31 January 1974.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1).)

Issued in Washington, D.C., on November 8, 1973.

JAMES O. ROBINSON,
Acting Chief,
Aircraft Programs Division.

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

[FR Doc. 73-24446 Filed 11-15-73; 8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 770—AIR QUALITY GUIDELINES FOR USE IN FEDERAL-AID HIGHWAY PROGRAMS

Subpart B—Air Quality Guidelines

Interim regulations are hereby promulgated by the Federal Highway Administration,

pursuant to the requirements in section 136(b) of the Federal-Aid Highway Act of 1970 (23 U.S.C. 109(j)), setting out guidelines to assure that highways constructed pursuant to Title 23, United States Code, are consistent with any approved plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended (42 U.S.C. 1857, et seq.).

On pages 23969-23971 of the FEDERAL REGISTER of September 5, 1973, there was published a notice of proposed rulemaking containing these regulations. Comments were requested on such guidelines by October 15, 1973. Such comments are being received and are being evaluated.

Pursuant to an opinion of United States Court of Appeals for the District of Columbia ambient air quality standards for ambient air quality regions were required to be issued by October 15, 1973. It is now necessary to have guidelines to assess highway plans against these standards. For this reason it is determined in the public interest to put the proposed regulations, set forth below, into effect as of this date on an interim basis. Evaluation of comments on the regulations will continue and final regulations implementing section 136(b) of the Federal-Aid Highway Act of 1970 will be issued upon the completion of the process.

Effective date. These FHWA regulations are effective November 7, 1973.

Approved November 7, 1973.

By direction of the Administrator.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Chapter I of Title 23, CFR, is amended by adding a new part, "Part 770, Subpart B—Air Quality Guidelines" as follows:

Sec.
770.200 Purpose.
770.201 Definitions for use in this memorandum.
770.202 Policy.
770.203 Application.
770.204 Procedure.

AUTHORITY: 23 U.S.C. 109(j), 23 U.S.C. 315, and 49 CFR 1.48(b).

§ 770.200 Purpose.

To promulgate air quality guidelines for use in planning and construction of proposed highway improvements constructed pursuant to United States Code, Title 23.

§ 770.201 Definitions for use in this memorandum.

(a) *Highway agency*.—The agency with the primary responsibility for initiating and implementing the planning, design, and construction of highways. For highway sections financed with Federal-aid highway funds, the highway agency will generally be the appropriate State highway department or State department of transportation.

(b) *Environmental Protection Agency (EPA)*.—The Federal agency established

pursuant to 5 U.S.C., App. Reorganization Plan of 1970, No. 3.

(c) *Environmental impact statement (EIS)*.—A detailed statement prepared in response to 42 U.S.C., 4332 (section 102(2) (C) of the National Environmental Policy Act of 1969).

(d) *Urban Transportation Planning Process (3-C) Planning Process*.—The continuing, comprehensive and cooperative planning process established pursuant to 23 U.S.C., 134.

(e) *Policy Board (Policy Committee, Coordinating Committee, etc.)*.—That group of local officials, individuals, or representatives of agencies or organizations which has been designated by the State to provide policy guidance and direction in the conduct of the urban transportation planning process in an urbanized area.

(f) *Urban transportation plans and programs*.—Proposed areawide plans and proposed capital improvement programs developed through the urban transportation planning process.

(g) *National Ambient Air Quality Standards*.—The National Ambient Air Quality Standards established pursuant to 42 U.S.C., 1857 (section 109 of the Clean Air Act of 1970).

(h) *Air quality control region*.—An interstate or intrastate area designated by the Administrator of EPA pursuant to 42 U.S.C. 1857 (section 107 of the Clean Air Act of 1970).

(i) *Highway Section*.—A highway development proposal of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multiyear highway improvement program.

(j) *Highway project*.—All or a portion of a highway section which would result in a specific construction contract.

(k) *Air pollution control agency*.—The State, local, or multi-State agency as defined by 42 U.S.C., 1857 (section 302(b) of the Clean Air Act of 1970).

(l) *State implementation plan (SIP)*.—The plan required by 42 U.S.C., 1857 (section 110 of the Clean Air Act of 1970), to attain and maintain a national ambient air quality standard.

§ 770.202 Policy.

Highway agencies planning, constructing, and maintaining highways pursuant to 23 U.S.C., shall consult with appropriate local, State and Federal air pollution control agencies and assure that decisions on highways are consistent with approved State Implementation Plans and that adequate consideration is given to preservation and enhancement of air quality.

§ 770.203 Application.

(a) The continuing review procedure described in § 770.204a shall be a requirement for each transportation planning process established pursuant to 23 U.S.C., 134. The requirements set forth in § 770.204a shall initially be accomplished by April 1, 1974, and shall thereafter be

reviewed as a part of subsequent annual certification actions.

(b) The procedures for consideration of air quality described in § 770.204b shall apply to the processing of proposed Federal-aid highway construction projects.

(c) The procedure for review of construction specifications described in § 770.204b shall be accomplished by April 1, 1974. The changes in specifications resulting from this procedure shall be reflected in all plan specification and estimate (PS&E) submissions received after July 1, 1974.

§ 770.204 Procedures.

Comprehensive planning for land use, air quality and transportation are interdependent. These planning activities should be closely coordinated in the conceptual stages and throughout the highway project development process. The highway agency shall follow the appropriate procedures outlined in paragraphs (a) through (c) of this section in order to assure that the planning and construction of highways are consistent with the State Implementation Plan for attainment and maintenance of air quality standards.

(a) *Urban transportation plans and programs.*—(1) To insure that land use and transportation planning conducted pursuant to 23 U.S.C. 134 and air quality planning conducted pursuant to 42 U.S.C. 1857 and the plans resulting therefrom are coordinated, the responsible highway agency in cooperation with each 3C planning agency shall establish a continuing review procedure with the cognizant air pollution control agency to:

(i) Assess the consistency of the transportation plan and program with the approved State Implementation Plan;

(ii) Annually solicit comments from the cognizant air pollution control agency including its assessment of the consistency of the plan and program with the approved State Implementation Plan prior to plan approval by the policy board.

(iii) Identify and resolve differences with the cognizant air pollution control agency.

(2) The highway agency shall require the policy board to annually determine the consistency of the current transportation plan and program with the approved State Implementation Plan. The highway agency shall furnish FHWA a record of this determination along with any written comments solicited from the cognizant air pollution control agency and the policy boards' disposition of these comments.

(3) The Regional Federal Administrator, in consultation with the Regional Administrator of the Environmental Protection Agency, shall annually review the record on the determination of consistency of the transportation plan and program with the approved State Implementation Plan as specified in paragraph (2) above and shall assess the degree of

coordination in the planning process between planning for transportation and air quality planning. Any deficiencies shall be cited to the highway agency. Significant deficiencies shall be considered grounds for withholding planning certification.

(b) *Highway projects.*—(1) The following procedures shall apply to highway sections for which an environmental impact statement (EIS) is circulated or a negative declaration is considered by the FHWA division engineer after October 15, 1973.

(i) The environmental analysis necessary to determine the need for an EIS should include an appropriate consideration of air quality.

(ii) The level of detail of the air quality analysis for the highway section shall be commensurate with the complexity of the highway proposal and with prevalent meteorological conditions. If implementation of the highway proposal is anticipated to have a significant air quality impact, comments on the consistency of the highway proposal with the approved State Implementation Plan shall be solicited from the cognizant air pollution control agency.

(iii) The draft EIS shall include an identification of the air quality impact of the proposal, a brief summary of the results of consultation with the cognizant air pollution control agency, comments received from the cognizant air pollution control agency, and the highway agency's tentative finding on the consistency of each alternative under consideration with the approved State Implementation Plan.

(iv) The final EIS shall, as may be necessary, refine and update the information included in the draft EIS.

(v) The final EIS may be adopted by the FHWA only after a determination that the proposed highway improvement is consistent with the State Implementation Plan. The determination on consistency shall be made by the Regional Federal Highway Administrator. In making this determination the Regional Federal Highway Administrator shall consider the following:

(A) The comments received from the cognizant air pollution control agency resulting from the requirements of §§ 770.204a and 770.204b and those of the agency designated pursuant to 40 CFR 51.18 (38 FR 15834, June 18, 1973). Where issues raised by either agency have not been resolved by the highway agency or division engineer prior to submission of the EIS to the FHWA Regional Administrator, the Regional Federal Highway Administrator shall not make a positive determination of consistency without first consulting with the EPA Regional Administrator.

(B) The adequacy and the conclusions of the air quality analysis made as a part of the location study and summarized in the EIS.

(C) Comments received as part of the EIS procedure and the disposition of these comments.

(vi) For those highway improvements for which a negative declaration is pre-

pared, the FHWA division engineer's concurrence in the document shall be evidence that he has determined that the proposal will have no significant air quality impacts.

(2) The following procedures shall apply to the consideration of air quality for those highway sections for which the draft EIS is (or was) circulated for comment, but for which a final EIS is not adopted by the FHWA Regional Administrator prior to October 15, 1973:

(i) Prior to the processing of final EIS, the highway agency, in consultation with the FHWA division engineer, shall review the draft EIS and make a written determination on the adequacy of the air quality discussion included in the draft EIS. If the determination is positive, the final EIS may be processed following procedures established in PPM 90-1. The adoption of the final EIS by the Regional Federal Administrator shall be evidence of his positive finding on the consistency of the proposal with the State Implementation Plan.

(ii) If the determination concludes that additional information and/or analysis are necessary, the draft EIS shall be revised accordingly. A copy of the revised draft EIS shall then be furnished to appropriate local, State or Federal agencies with expertise in air quality for review and comment. Thirty days should be allowed for comment by interested agencies.

(iii) Comments received shall be incorporated and addressed in the final EIS as required in PPM 90-1. Adoption of the final EIS by the Regional Federal Highway Administrator shall be evidence of his positive finding on the consistency of the proposal with the State Implementation Plan.

(3) The following procedures shall apply to those highway sections for which a final EIS is approved by the Regional Federal Highway Administrator before October 15, 1973, and for which authorization to proceed with grading and drainage work on the highway section are requested after January 1, 1974:

(i) Prior to requesting additional FHWA authorizations (except preliminary engineering), the highway agency, in consultation with the FHWA division engineer, shall review the final EIS and make a written determination on the adequacy of the discussion of air quality included in the final EIS. If the determination is positive, concurrence by the FHWA division engineer shall be evidence of his finding that the highway proposal is consistent with the State Implementation Plan.

(ii) If the determination concludes that additional information or analysis are necessary, a supplemental EIS shall be prepared and distributed for review and comment to appropriate local, State and Federal agencies with expertise in air quality. Thirty days shall be allowed for comment by interested agencies.

(iii) Comments received shall be processed following the procedures outlined in PPM 90-1. Adoption of the supplement to the final EIS by the Regional Federal Highway Administrator shall be evidence of his positive finding on the consistency of the highway proposal with the State Implementation Plan.

(c) *Construction of highways.*—(1) The highway agency shall review its current construction specifications to determine whether allowable construction procedures, or the use of specific equipment or materials are consistent with the State Implementation Plan. As a part of this review the highway agency shall send a copy of its construction specifications to the cognizant air pollution control agency for review and comment.

(2) Comments received from the cognizant air pollution control agency and revisions to the construction specifications resulting from reviews by both agencies shall be sent to FHWA for approval.

(3) A similar review procedure shall be followed whenever the highway agency determines that significant changes have been made in either the highway agency specifications affecting air quality or in the State Implementation Plan.

[FR Doc. 73-24489 Filed 11-15-73; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 15—CEREAL FLOURS AND RELATED PRODUCTS

PART 17—BAKERY PRODUCTS

Improvement of Nutrient Levels of Enriched Flour, Enriched Self-rising Flour, and Enriched Breads, Rolls, or Buns

Corrections

In FR Doc. 73-21918 appearing at page 28558 in the issue of Monday, October 15, 1973, make the following changes:

1. In the first paragraph on page 28563, the word "as" in the 9th line should be deleted.

2. In the paragraph following paragraph (4) on page 28563, the word "metabolites" in the 4th line should read "metabolites".

PART 121—FOOD ADDITIVES

Nitrites and/or Nitrates Combined With Spices in Curing Premises

In the FEDERAL REGISTER of July 19, 1973 (38 FR 19218), Part 121 was amended in: (1) Subpart A to provide that nitrites and/or nitrates are food additives when combined with spices in curing premises § 121.13 "Nitrites and/or nitrates in curing premises; food additive status" (21 CFR 121.13); and, (2) In subpart H to provide that on an interim basis nitrites and/or nitrates may be safely used in combination with spices in curing premises provided that: (a) The nitrites and/or nitrates comply with the specifications in the Food Chemicals

Codex; (b) The curing premix is buffered with sodium carbonate; (c) Those who wish to continue marketing a buffered curing premix satisfy the Commissioner of Food and Drugs in writing by September 17, 1973, that studies demonstrating that nitrosamines are not formed in such premix have been undertaken; and, (d) Those who wish to continue marketing a buffered curing premix submit by January 15, 1974, a food additive petition establishing the safety of such premix § 121.4002 "Nitrites and/or nitrates in buffered curing premises," (21 CFR 121.4002).

In the FEDERAL REGISTER of July 26, 1973 (38 FR 19970), corrections were made in §§ 121.13 and 121.4002 to provide for additional safe and suitable buffers. In the FEDERAL REGISTER of August 3, 1973 (38 FR 20821), a spelling error in § 121.4002, was corrected and the date was extended from January 15, 1973, to January 15, 1974, by which food additive petitions must be submitted in accordance with § 121.4002 (d).

Three comments were received by the Hearing Clerk, Food and Drug Administration, regarding this order. One was from a firm regarding the studies required to demonstrate that nitrosamines are not formed in buffered spice curing premises. Because such studies are difficult and expensive, the firm requested clarification or revocation of the test requirement. The Commissioner's response is that the only methods available at this time for the determination of nitrosamines are admittedly difficult, but this does not constitute a reason why they should not be required.

There were also two comments from consumers. One consumer stated that nitrites and nitrates should not be used in any food. The Commissioner announced his intention to eliminate all nonessential uses of nitrites and nitrates and proposed discontinuing certain uses in the FEDERAL REGISTER of November 3, 1972 (37 FR 23456). He expects to rule on that proposal shortly. A use still critically necessary in some products is prevention of the outgrowth and toxin formation from *Clostridium botulinum*. However, it remains the Commissioner's intention to eliminate the addition of nitrites and nitrates to foods wherever feasible.

The other consumer stated that it would be helpful for an individual unable to tolerate "sodium preservatives" to be notified of the presence of all chemical additives in food by label declaration. This consumer also complained that more and more people are being made ill by unnecessary chemicals in foods. The Commissioner's response is that all preservatives are required to be declared on food labels, and that Congress, in passing the Food Additives Amendment, provided for the safe use of substances of limited toxicity as functional ingredients for food. No provision exists in the law to limit ingredients added to food to "essential" items. The Food and Drug Administration is constantly reviewing the safety of the constituents of the food supply and the Commissioner's evaluation

of the use of curing premises and other substances is based upon such review.

Section 121.4002 was established in response to representations made to the Food and Drug Administration and the United States Department of Agriculture that the buffering of curing premises containing spices and nitrites and/or nitrates would prevent the formation of nitrosamines in such premises, and the fact that neither the United States Department of Agriculture nor the Health Protection Branch of the Department of National Health and Welfare of Canada had detected nitrosamines in buffered curing premises. Continued marketing of buffered curing premises was made contingent upon the undertaking of studies adequate to demonstrate that nitrosamines are not formed in such products. Furthermore, it was announced that if nitrosamines were detected in such products, the interim food additive regulation would be revoked.

Nitrosamines have since been found to form in buffered curing premises by both the United States Department of Agriculture and the Food and Drug Administration. The analyses include finding nitrosamines in such products shortly after manufacture and in products in which no nitrosamines were detected initially but were detected after a period of storage. These positive findings were made in premises containing spices and also in premises that did not contain spices but did contain other flavoring or seasoning, such as hydrolyzed vegetable protein and spice extractives. Since any ingredient containing secondary or tertiary amines may react with nitrites to form nitrosamines, the Commissioner concludes that § 121.13 should be expanded to include flavoring and other seasoning ingredients in addition to spices.

The Commissioner concludes that after November 16, 1973, nitrites and/or nitrates combined with flavoring or seasoning in buffered or unbuffered curing premises will be considered to be food additives for which no food additive regulation has been promulgated. The Commissioner is of the opinion that curing premises in which nitrites and/or nitrates are combined with flavoring or seasoning for food use may not be marketed until such time as such premises have been established as being safe for use in food. Accordingly, he concludes that after November 16, 1973, unauthorized use of curing premises that are food additives in any food will cause such food to be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act and subject to regulatory action, except that where curing premises with separately packaged nitrite and/or nitrate ingredients are not available meat and poultry processors may use currently available buffered premises only until replacement stocks are available but in no event later than November 30, 1973. This limited exception will be monitored by the U.S. Department of Agriculture which has inspection authority over meat and poultry processing plants.

The Commissioner finds that the affected industry has had sufficient warning of the possible revocation of the interim regulation, § 121.4002, by means of the FEDERAL REGISTER announcement of July 19, 1973, and concludes that for public health reasons the regulation should be revoked without prior notice, public procedure, or a delayed effective date.

It may be that nitrosamines will not form under certain conditions in specific formulations of curing premixes containing spices and/or other flavoring or seasoning. For example, there are on the market curing premixes in which the nitrites are coated with edible substances that are asserted to act as physical barriers between the nitrite and the flavoring and seasoning, thus preventing interaction and the formation of nitrosamines. At the present time, however, there are insufficient data to show that nitrosamines do not form under such conditions, and thus insufficient data to prove the safety of these products. Interested persons may, therefore, submit food additive petitions pursuant to 21 CFR 121.51 that would establish the safety of such products.

There is no evidence that nitrosamines are formed when spices and/or other flavoring or seasoning are packaged separately from nitrites and/or nitrates. Under such packaging, therefore, nitrites, and/or nitrates may continue to be used under prior sanction in commercial meat and poultry curing, and as food additives in accordance with those provisions of 21 CFR 121.1063 and 121.1064 of the food additive regulations that apply to meat curing preparations for the home curing of meat and meat products, including poultry and wild game. The Commissioner finds, however, that in order to preclude the formation of nitrosamines in curing premixes the labeling of the premix packages must bear instructions not to combine the contents of such packages until immediately before use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 409, 701, 52 Stat. 1040-1041, 1049, 1055; 21 U.S.C. 321, 348, 371) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. By revising § 121.13 to read as follows:

§ 121.13 Nitrites and/or nitrates in curing premixes; food additive status.

(a) Nitrites and/or nitrates are food additives when combined in curing premixes with spices and/or other flavoring or seasoning ingredients that contain or constitute a source of secondary or tertiary amines, including but not limited to essential oils, disodium inosinate, disodium guanylate, hydrolysates of animal or plant origin (such as hydrolyzed vegetable protein), oleoresins of spices, soy products, and spice extracts. Such food additives may be used only after the establishment of an authorizing food additive regulation. A food additive petition submitted pursuant to § 121.51, sup-

ported by data demonstrating that nitrosamines are not formed in curing premixes containing such food additives, is required to establish safety.

(b) Nitrites and/or nitrates, when packaged separately from flavoring and seasoning in curing premixes, may continue to be used under prior sanctions in the commercial curing of meat and meat products and poultry products and in accordance with the provisions of §§ 121.1063 and 121.1064 that apply to meat curing preparations for the home curing of meat and meat products, including poultry and wild game. To assure safe use of such ingredients the labeling of the premixes shall bear instructions to the user that such separately-packaged ingredients are not to be combined until just prior to use. Encapsulating or coating some or all of the ingredients does not constitute separate packaging.

§ 121.4002 [Revoked]

2. By revoking § 121.4002 "Nitrites and/or nitrates in buffered curing premixes."

Effective date. This order is effective November 16, 1973.

(Secs. 201, 409, 701, 52 Stat. 1040-1041, 1049, 1055; 21 U.S.C. 321, 348, 371.)

Dated: November 14, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-24571 Filed 11-15-73;8:45 am]

Title 45—Public Welfare

CHAPTER IX—ADMINISTRATION ON AGING, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 910—MODEL PROJECTS ON AGING Correction

In FR Doc. 73-23784 appearing at page 30878 in the issue for Thursday, November 8, 1973, make the following changes:

1. In the 3rd paragraph of the preamble, in the fourth line, the word "relations" should read "regulations".

2. In § 910.6, in the fifth line, between the words "writing" and "that", insert the words "that a project be revised whenever it is proposed".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18179; FCC 73-1152]

PART 73—RADIO BROADCAST SERVICES Memorandum Opinion and Order

In the matter of Amendment of Part 73 of the Commission's rules with respect to television programs produced by non-network suppliers to certain television stations and CATV systems.

1. On July 26, 1973, a First Report and Order (FCC 73-806) was adopted in this proceeding which amended the Commission's rules by adding a new section [§ 73.658(m)] concerning territorial exclusivity in non-network program arrangements of television sta-

tions. The First Report and Order was published in the FEDERAL REGISTER August 7, 1973 (38 FR 21265).

2. The new rule was to have become effective September 7, 1973. However, in response to the requests of several parties, the effective date was stayed until November 12, 1973 (FCC 73-890, 38 FR 24367). The Commission now has before it various pleadings¹ requesting extension of the stay.

3. Originally, the stay had been sought so the Commission would have an opportunity to consider multi-city market problems raised by the new rule (38 FR 27218). We granted the stay so that the parties could address these matters in their petitions for reconsideration and we could give their contentions the consideration they require. It was the Commission's hope that the original period of the stay would provide adequate time to consider the issues raised and to adopt a document resolving them. Matters turned out otherwise as 30 petitions for reconsideration were filed.

4. The simple but unanticipated fact is that the range and complexity of the points contained in the pleadings is such that far more time than expected will be required for a considered resolution of the issues. As a result, a further stay is necessary. Since the amount of time which will be required cannot presently be judged, we think it preferable to stay the rule indefinitely, rather than set a date certain not knowing if it will be possible to meet that deadline. In the meantime, we are not now making a change in the intent of the original stay Order which indicated that should the rule not be modified after reconsideration, all contracts finalized on or after August 7, 1973, would be subject to the new rule. However, we are not foreclosing some change in our view on this point as a result of changed circumstances, particularly the delay in concluding our action in this proceeding.

5. Accordingly, the requests for stay are granted and the effective date of § 73.658(m) of the Commission's rules is stayed indefinitely.

Adopted: November 9, 1973.

Released: November 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION.²

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.73-24495 Filed 11-15-73;8:45 am]

¹ When this document was prepared, stay requests had been filed by RKO General, Inc., et al., AMST, and Corvallis TV Cable Co., and supporting statements had been filed by Storer Broadcasting Company, Metromedia, Inc., AMST and Multimedia, Inc. Others may well have been filed subsequently and our action herein is intended to dispose of all such filings.

² Commissioner Robert E. Lee dissenting; Commissioners Johnson, H. Rex Lee and Hooks absent.

Title 49—Transportation
CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1134; Amdt. 3]

PART 1033—CAR SERVICE

Lumber and Plywood—Restrictions on Reconsigning

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 7th day of November 1973.

Upon further consideration of Service Order No. 1134 (38 FR 12606, 19831), and good cause appearing therefor:

It is ordered, That § 1033.1134 Service Order No. 1134 (Lumber and plywood—restrictions on reconsigning) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That Service Order No. 1134 be, and it is hereby suspended until further order of the Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 15, 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, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-24515 Filed 11-15-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

[Phase IV Price Ruling 1973-7]

APPENDIX—PHASE IV PRICE RULINGS

Rulings and Interpretations

Facts. During Phase IV, rulings and interpretations have been issued by the Cost of Living Council. Section 155.2 of the Phase IV price procedures defines a ruling as "an official interpretation by the General Counsel of the Cost of Living Council, published in the FEDERAL REGISTER, which applies the regulations and guidelines of the Cost of Living Council to a specific set of facts." An interpretation is defined in the same section to mean "a written statement issued by a district director in response to an inquiry by an individual or an organization, which applies to the particular facts involved the principles and precedents previously announced by the Cost of Living Council."

Issue. What is the nature and effect of Cost of Living Council Phase IV price rulings and interpretations?

Ruling. Under 6 CFR 155.161 it is explained that Cost of Living Council rulings are (a) of general applicability, (b)

illustrative of a general principle, or (c) of assistance to the public in applying the Act, regulations and guidelines to a specific situation. Because rulings are of general applicability, their issuance cannot be considered an adverse action in any particular case from which an aggrieved person may request reconsideration pursuant to Subpart F of Part 155.

Since rulings are also explanatory in nature, their effectiveness relates back to the effective date of the regulations or guidelines they explain. However, whenever rulings cause a person to change a business practice previously followed in good faith reliance on the presumed intent of the regulations, the Cost of Living Council shall, in the course of determining whether that person has violated the regulations, take into account the extent to which that person could reasonably be deemed to have prior notice of the interpretation contained in the ruling.

Interpretations on the other hand, are issued only where a determination can be made on the basis of established rules as set forth in existing regulations, guidelines, rulings, or court decisions. Written requests for interpretation should be filed with the appropriate key IRS District Office pursuant to § 155.21(b)(7) and will receive initial action by the Cost of Living Council pursuant to § 155.22(d) or the Internal Revenue Service pursuant to the delegation of authority contained in paragraph (1)(k) of Cost of Living Council Order No. 37. Any person who receives an adverse interpretation from the Council may seek reconsideration under Subpart F of Part 155.

WILLIAM N. WALKER,
General Counsel,
Cost of Living Council.

NOVEMBER 15, 1973.

[FR Doc.73-24667 Filed 11-15-73;12:22 pm]

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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Proposed Expenses and Rate of Assessment for Fiscal 1973-74

This notice invites written comment relative to the proposed expenses of \$158,000 and rate of assessment of \$0.005 per standard packed box of fruit to support the activities of the Growers Administrative Committee for the 1973-74 fiscal period under Marketing Order No. 905.

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1973, through July 31, 1974, will amount to \$158,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at \$0.005 per standard packed box.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 28, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 12, 1973.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Marketing
Service.

[FR Doc.73-24474 Filed 11-15-73; 8:45 am]

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the South Texas Onion Committee to spend not more than \$86,719 for its operations during the fiscal period ending July 31, 1974, and to collect one and one quarter cents (\$0.0125) per 50-pound container of onions, or equivalent quantity, handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 143 and Order No. 959, both as amended, regulating the handling of onions grown in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 29, 1973. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 959.214 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1974, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to \$86,719.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one and one-quarter cents (\$0.0125) per 50-pound container of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1974, may be carried over as a reserve.

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

Dated: November 12, 1973.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Marketing
Service.

[FR Doc.73-24473 Filed 11-15-73; 8:45 am]

Farmers Home Administration

[7 CFR Part 1822]

[FHA Instruction 444.3]

RURAL HOUSING LOANS AND GRANTS

Proposed Policies, Procedures, and Authorizations

Notice is hereby given that the Farmers Home Administration has under consideration proposed amendments to 7 CFR 1822.27 and 1822.29 (38 FR 12901). The proposed amendment to § 1822.27 would prohibit loans for repairs to a dwelling which does not or will not, after planned development is completed, have a water supply and waste disposal system that meets the standards of the state health department. The proposed amendment to § 1822.29 would permit loans of more than \$1,500 to be amortized over a period of not more than 15 years.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before December 17, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours. (8:15 a.m.-4:45 p.m.)

As proposed, §§ 1822.27(a)(3) and 1822.29 read as follows:

§ 1822.27 Limitations.

(a) * * *

(3) Make repairs to a dwelling which does not or will not, after planned development is completed, have a water supply and waste disposal system that meets the standards of the state health department. Evidence showing acceptability or approval of individual water and waste disposal systems will be included in the loan docket.

§ 1822.29 Terms and rates.

A section 504 loan will be scheduled for repayment in accordance with the applicant's ability to pay, over a period not to exceed 10 years from the date of the note, except that loans of more than \$1,500 may be amortized over a period not to exceed 15 years. Notes will bear interest at the rate of 1 percent per annum.

(7 U.S.C. 1889; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; delegation of

authority by the Secretary of Agriculture, 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70; delegations of authority by Director, OEO, 29 FR 14764, 33 FR 9850.)

Dated: November 9, 1973.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.73-24477 Filed 11-15-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 73-SW-63]

AIRWORTHINESS DIRECTIVES

Bell Model 205A-1 and 212 Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 205A-1 and 212 helicopters. There have been reports of cracks and excessive looseness in the tail rotor trunnion bearing, P/N 212-010-723-1 or P/N 212-010-768-1, on Bell Models 205A-1 and 212, resulting in the trunnion cutting a slot into the yoke flexure, which could possibly result in loss of the tail rotor. Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require an inspection of the tail rotor trunnion bearings for cracks and/or axial play and replacement as necessary on Bell Models 205A-1 and 212 helicopters equipped with tail rotor hub assembly, P/N 212-010-701.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before December 15, 1973, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

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

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

BELL. Applies to Model 205A-1 and 212 helicopters, certificated in all categories, equipped with tail rotor hub assembly, P/N 212-010-701.

Compliance required within the next 25 hours' time in service after the effective date of this A.D., unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 25 hours' time in service from the last inspection.

To detect possible cracks or excessive looseness in the tail rotor trunnion bearings, accomplish the following:

(a) Using a 3 power magnifying glass, inspect the trunnion bearing (P/N 212-010-723-1 or P/N 212-010-768-1) exposed outer races for cracking.

(b) To detect any axial looseness in the trunnion bearings, grasp the hub assembly and attempt to move it towards and away from the tail boom fin assembly. If trunnion bearing movement is considered excessive, remove the tail rotor hub and blade assembly. Measure the amount of axial play in each trunnion bearing using a dial indicator.

(c) If there is evidence of either trunnion bearing outer race cracking or axial play in excess of the maximum allowable .015 inch, replace the affected bearing in accordance with the instructions contained in Bell Model 212 Overhaul Manual, dated May 1, 1972, Chapter-Section 65-20-01.

(Bell Helicopter Company "Service Bulletin Nos. 205-05-73-5, dated August 23, 1973, and 212-05-73-4, dated August 20, 1973, pertain to this subject.)

Issued in Fort Worth, Tex., on November 1, 1973.

HENRY L. NEWMAN,
Director,
Southwest Region.

[FR Doc.73-24439 Filed 11-15-73; 8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. RM 74-5]

FPC FORMS FOR REPORTING YEAR 1973¹

Proposed Revision

NOVEMBER 8, 1973.

Pursuant to 5 U.S.C. 553, sections 301, 304, and 309 of the Federal Power Act (49 Stat. 838, 854, 855-856, 858-859; 16 U.S.C. 825, 825c, 825h), and sections 8, 10, and 16 of the Natural Gas Act (52 Stat. 825-826, 830; 15 U.S.C. 717g, 717i, 717o), the Commission gives notice it proposes to revise for the reporting year 1973:

A. Certain schedules of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18, CFR.

B. FPC Form No. 5, Monthly Statement of Electric Operating Revenue and Income, prescribed by § 141.25, Chapter I, Title 18, CFR.

C. Certain schedules of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18, CFR.

D. FPC Form No. 11, Natural Gas Pipeline Company Monthly Statement,

¹ Attachments A through G filed as part of the original document.

prescribed by § 260.3, Chapter I, Title 18, CFR.

The provisions of this proposed rule-making would: (1) Increase the number of copies of Annual Report Forms No. 1 and No. 2 furnished the Commission and (2) make minor changes to schedules in the Commission's Annual Report Forms No. 1 and No. 2 and Monthly Report Forms No. 5 and No. 11.

The revisions proposed herein to Annual Report Form No. 1 for Electric Utilities, Licensees and Others (Class A and Class B), and Annual Report Form No. 2 for Natural Gas Companies (Class A and Class B), for the reporting year 1973 and monthly report Forms No. 5 and No. 11 should cause only a slight increase in the reporting burden. The changes consist mainly of editorial changes, changes to provide information to facilitate audits of report forms, changes to clarify instructions, and changes to add reporting consistency. The proposed changes are as follows:

1. An increase in the number of conformed permanent copies of the Annual Report Forms No. 1 and No. 2 to be filed by the Public Utilities and Licensees and Natural Gas Companies. For the Electric Utilities we propose to increase the number filed from "an original and four" to an original and six, (Attachment A, page 1). For the Natural Gas Companies we propose to increase the number filed from "an original and three" to an original and four, (Attachment A, page 2).

One of the additional copies of Annual Report Form No. 1 is to be utilized by the Bureau of Power's Section of Power Surveys, for its use in gathering data for annual publications for which their section is responsible.

The second additional copy of Annual Report Form No. 1 and the one additional copy of Annual Report Form No. 2 is needed by our Office of Accounting and Finance to enable it to more expeditiously perform their continuous auditing and surveillance responsibilities. The extra copies requested would avoid the additional cost of reproducing numerous schedules of the forms when needed for our various programs. We believe the cost increase to the utility for the additional copies of the forms would be minuscule since many of the utilities now prepare additional copies for other commissions and interested parties as well as producing extra copies for use on an as-needed basis.

2. a. Revision of schedule page 104, titled "Officers" of Annual Report Forms No. 1 and No. 2 to increase the amount of annual salary that is required to be reported from \$15,000 to \$25,000 for those companies reporting operating revenues of less than \$50,000,000, and from \$25,000 to \$35,000 for those companies with \$50,000,000 or more in annual operating revenue, (Attachment B).

b. Revision of the schedule pages listed below. These changes would clarify existing instructions, and would bring additional consistency to the various schedules. The need for the revisions stem from our past experience in working with the schedules.

PROPOSED RULES

FPC FORMS NO. 1 AND NO. 2

Schedule page	Title	Change	Attachment
206	Receivables from Associated Companies.	Revision to Instruction 3 for clarification and additional columns proposed to afford more meaningful reporting.	C-1
209	Production Fuel and Oil Stocks.	Revision to Instruction 4 for clarification.	C-2
214 A	Deferred Losses from Disposition of Utility Plant.	Revision to Instructions 1 and 2 for clarification and additional columns proposed to afford more meaningful reporting.	C-3
221	Notes Payable.	New instruction added to afford more meaningful reporting.	C-4
221	Payables to Associated Companies.	Revision to Instruction 3 for clarification and additional columns proposed to afford more meaningful reporting.	C-4
222 A	Taxes Accrued, Prepaid and Charged During Year.	Additional column added, one column deleted, and Instruction 5 revised, all to afford more meaningful reporting.	C-5
223	Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes.	Subheading added to require uniform reporting of reconciling amounts.	C-6
224 A	Deferred Gains from Disposition of Utility Plant.	Same as 214 A above.	C-7
225	Other Deferred Credits.	Revision of Instruction 3 and column (c) for clarification.	C-8
226	Operating Reserves.	Revision of Instructions for clarification and additional columns proposed to afford more meaningful reporting.	C-9
300	Gain or Loss on Disposition of Property.	Revision of Instructions 1 and 2 for clarification and an additional column for clarification proposed to afford more meaningful reporting.	C-10
303	Particulars Concerning Certain Other Income Accounts.	Revision of Instructions for clarification purposes.	C-11
304	Particulars Concerning Certain Income Deductions and Interest Charges Accounts.	Revision of Instructions 1, 2, and 5 for clarification purposes.	C-12
306	Extraordinary Items.	Revision of Instructions to agree with United States of America.	C-13

FPC FORM NO. 1

Schedule page	Title	Change	Attachment
201	Nonutility Property.	Revision of Instruction 4, for clarification and additional columns proposed to afford more meaningful reporting.	D-1
228	Investment Tax Credits Generated and Utilized.	Column headings revised to require detailed reporting of electric and other departments or operations.	D-2
229	Accumulated Deferred Investment Tax Credits.	Revision of instructions for clarification and an additional column proposed to allow adjustments.	D-3
405	Electric Plant Held for Future Use.	Subheading added to obtain more uniform reporting.	D-4
427	Construction Overheads—Electric.	Revision of Instructions for clarification and revise column headings so as to be more descriptive.	D-5
428	General Description of Construction Overhead Procedure.	Revision of instructions for clarification purposes.	D-6

FPC FORM NO. 2

201	Nonutility Property.	Revision of Instruction 4, for clarification and additional columns proposed to afford more meaningful reporting.	E-1
228	Investment Tax Credits Generated and Utilized.	Column headings revised to require detailed reporting of gas and other departments or operations.	E-2
229	Accumulated Deferred Investment Tax Credits.	Revision of instructions for clarification and an additional column proposed to allow adjustments.	E-3
521	Sales for Resale—Natural Gas.	Add a column to afford more meaningful reporting.	E-4
522	do.	do.	E-5
543	Construction Overheads—Gas.	Revision of instructions for clarification and revise column headings so as to be more descriptive.	E-6
544	General Description of Construction Overhead Procedure.	Revision of instructions for clarification purposes.	E-7

3. Revision of FPC monthly Report Forms No. 5 (Attachment F) and No. 11 (Attachment G) as follows:

a. Forms No. 5 and No. 11 would be amended to require that gross additions to the Construction Work in Progress, Account 107, be reported as a separate item on the report forms. The Bureau of Census has requested this change to assist them in compiling current data on new construction put in place.

b. Form No. 11, pages 1 and 4 (Attachment G) would be amended by adding a new table and related changes for reporting the transactions of Supplemental Gas Supplies, such as LNG and SNG, by major pipelines on a monthly basis. This need for additional information has come about due to the growing importance of LNG and SNG and the magnitude of the cost of this type of gas to the pipelines and consumers.

Due to the time involved in incorporating these changes into the report forms, so as to meet deadlines for 1973 mailouts,

we do not anticipate granting any extensions of time for responses beyond that referred to below.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 10, 1973, data, views, comments or suggestions in writing concerning all or part of the proposed revised report forms. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms pursuant to 44 U.S.C. 3501-3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Statistical Policy Division, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff on the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

(A) Effective for the reporting year 1973, it is proposed to:

(1) Revise certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments A, B, C, and D hereto.

(2) Revise FPC Form No. 5, Monthly Statement of Electric Operating Revenue and Income, prescribed by § 141.25, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment F hereto.

(3) Revise certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments A, B, C, and E hereto.

(4) Revise FPC Form No. 11, Natural Gas Pipeline Company Monthly Statement, prescribed by § 260.3, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment G hereto.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc. 73-24263 Filed 11-15-73; 8:45 am]

[18 CFR Part 157]

[Docket No. RM74-6]

CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITYProposed Procedure for Filing of
Applications

NOVEMBER 9, 1973.

Notice is hereby given pursuant to section 553 of Title 5 of the U.S. Code and sections 7 and 16 of the Natural Gas Act (56 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c); 56 Stat. 84, 15 U.S.C. 717f(d); 56 Stat. 84, 15 U.S.C. 717f(e); and 56 Stat. 830, 15 U.S.C. 717o) that the Commission proposes to amend § 157.7 of Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under section 7 of the Natural Gas Act, Subchapter F—Regulations under the Natural Gas Act, 18 CFR 157.7 by revising paragraph (c) to delete therefrom the provision for the filing of budget-type applications for certificates of public convenience and necessity authorizing the construction and operation of facilities for the transportation and sale of natural gas previously authorized under certificates for transportation or sale to existing distributors and for direct sales of natural gas to consumers located in areas outside the franchise area of any local distributor.

By Order No. 285 issued in Docket No. R-254 on August 12, 1964, 32 FPC 606, and published in the FEDERAL REGISTER on August 18, 1964, 29 FR 11750, the Commission promulgated § 157.7(c) of the Regulations under the Natural Gas Act to provide for the filing of abbreviated budget-type applications for certificates of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities, *inter alia*, for "The transportation and sale of volumes of natural gas previously authorized under certificates for transportation or sale to existing distributors at rates on file with the Commission for resale in existing market area * * *." Section 157.7(c) was amended by Order No. 403, issued in Docket No. R-375 on May 13, 1970, 43 FPC 732, and published in the FEDERAL REGISTER on May 21, 1970, 35 FR 7789, which provides for the filing of abbreviated budget-type applications for certificates of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities for "Direct sales of natural gas to consumers located in areas outside the franchise area of any local distributor * * *."

By Order No. 148-A issued on April 27, 1973, in Docket No. R-110, 49 FPC —, and published in the FEDERAL REGISTER on May 8, 1973, 38 FR 11449, the Commission amended § 2.55 of its General Policy and Interpretations, 18 CFR 2.55, by deleting "new delivery points" from the definition of "facilities" excluded from the latter term in section 7(c) of the Natural Gas Act. The Commission announced in said order that it would

henceforth require certification under section 7(c) for the construction and operation of new delivery points which otherwise would be among excluded facilities as defined by Section 2.55. This amendment enables the Commission to review the probable impact of new delivery points prior to their construction, including the end use of the gas to be delivered at the new delivery points, in accordance with § 2.78 of the Commission's General Policy and Interpretations, 18 CFR 2.78, which establishes priorities of service during periods of curtailed deliveries by jurisdictional pipeline companies.¹

The only end use restrictions in Section 157.7(c) for the sale and transportation of gas to distributors and consumers are that deliveries through the new facilities must not exceed 100,000 Mcf of gas annually and that the gas is not to be used for boiler fuel. Certification under this section then, does not further the Commission's intention of examining specific proposals for the delivery of gas with regard to end use.

The Supreme Court in Federal Power Commission v. Louisiana Power & Light Co. et al., 406 U.S. 621 (1972), affirmed that the Commission possesses broad plenary authority under the Natural Gas Act to regulate sales for resale of natural gas in interstate commerce to distributors. The Court further held that the Commission also possesses extensive power to regulate gas service by jurisdictional pipeline companies to direct sale customers through issuance of comprehensive and equitable curtailment orders. For the same reasons that impelled the Commission to issue Order No. 148-A, the Commission now proposes to revise § 157.7(c) by permitting the filing of budget-type applications for only miscellaneous rearrangements of facilities used for the transportation and sale of previously authorized volumes of gas. The Commission proposes to require individual certificates under section 7(c) of the Natural Gas Act for construction of new facilities for the sale and transportation of gas to distributors and direct sale customers which otherwise would be authorized under budget-type certificates issued pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations. This would enable the Commission to review the end use of the gas to be sold and transported through the proposed facilities in accordance with priorities of service set out in § 2.78.

The Commission contemplates that a budget-type application under the revised § 157.7(c) may be filed for authorization for miscellaneous rearrangements not resulting in any change in service such as "changes in existing field

¹ The Commission proposes in Docket No. R-467 to amend § 2.78 to establish a policy with regard to priorities of service to be recognized and implemented by jurisdictional pipeline companies during the current period of short supply of natural gas.

operations or relocations of existing sales or transportation facilities when required by highway construction, dam construction or other similar reasons." The "other similar reasons" would be interpreted by the Commission to permit construction and operation of facilities for the safe and convenient operation of the Applicant's pipeline system. The budget-type certificate under revised § 157.7(c) would not be used to effect any change in the amount of gas theretofore sold or transported, notwithstanding that additional volumes may have been previously allocated to particular customers.

Accordingly, it is proposed to amend § 157.7 by revising paragraph (c) thereof to read as follows:

§ 157.7 Abbreviated applications.

(c) *Miscellaneous rearrangements of facilities—budget-type application.* An abbreviated application requesting a budget-type certificate authorizing the construction during a given twelve-month period, and operation of gas-sales or transportation facilities may be filed when:

(1) The facilities proposed in the application are to be used for miscellaneous rearrangements not resulting in any change of service rendered by means of the facilities involved, e.g., changes in existing field operation or relocation of existing sales or transportation facilities when required by highway construction, dam construction or other similar reasons.

(2)(i) The total estimated cost of the rearrangement of facilities proposed in the application does not exceed \$300,000 except where the applicant's gas plant (Account No. 101, Uniform System of Accounts Prescribed for Natural Gas Companies) is \$10,000,000 or less, in which case the total estimated cost of the gas-sales facilities proposed in the application shall not exceed \$100,000.

(ii) Any application proposing the construction of facilities having an estimated cost in excess of the amounts specified in subdivision (i) of this subparagraph shall be accompanied by a request for waiver of the provisions of such subdivision and will be granted only for good cause shown.

(3) The application contains a statement indicating the maximum facilities to be installed during the authorized construction period, including the maximum number of lateral or loop lines to be installed and their maximum length and diameter, the maximum number of taps and meters to be installed, and the estimated cost of facilities for each such type or project.

(4) The applicant agrees to file with the Commission, within sixty days after expiration of the authorized construction period, a statement showing for each individual project:

(i) Description of the rearranged facilities installed, e.g., location, miles and size of pipeline (including wall thickness

and minimum yield point), taps, laterals, lateral loop lines, metering and regulating facilities.

(ii) Actual cost of facilities, subdivided by size of pipeline, taps, laterals, lateral loop lines, metering and regulating facilities, and appurtenant facilities.

It is proposed that the above amendment would be effective on the date of promulgation.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 26, 1973, data, views, comments, or suggestions, in writing, concerning all or part of the amendment proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C., during regular business hours. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff, in its discretion, may grant or deny requests for a conference. The Commission will consider all written submittals before acting on the proposed amendment.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc. 73-24453 Filed 11-15-73; 8:45 am]

COST OF LIVING COUNCIL

[6 CFR Part 150]

PHASE IV PRICE REGULATIONS

Proposed Price Controls for Petroleum Industry

Notice is hereby given that, pursuant to authority of Executive Orders 11695 and 11730, the Cost of Living Council, as part of its continuing review of the operation of price controls with respect to the petroleum industry, is considering the adoption of certain amendments to the Phase IV petroleum regulations to be effective November 30, 1973.

A major change is elimination of the refiner-reseller rule. Pursuant to this amendment, the refiner would be required to include all product cost increases in the § 150.356 formula for allocation of increased product costs. This should prevent further divergence in the base prices for a single covered product which have resulted from the dissimilar calculation of increased costs solely as a function of whether a firm commingles an imported product with domestic product.

For this reason, the reseller rule § 150.359 has been amended to exclude refiner-resellers, and the refiner's rule § 150.355 has been amended to apply to all sales by a refiner. The terms "refiner-reseller" and "refiner-retailer" would no longer be operative and have been eliminated from the definitions in § 150.352.

The proposed amendment to § 150.355 contains a simplified restatement of the formula for the allocation of non-product cost increases which was initially proposed by the Council in its October 15, 1973 notice of proposed rule-making. The formula translates the percentage of prenotified non-product cost increase "F", appearing in item 24 column (f) Part IV of CLC-22 into a dollar amount of costs to be allocated among the special products and other covered products. These costs are computed on the basis of projected sales for a twelve month period "e". For special products (gasoline, No. 2 heating oil and No. 2-D diesel fuel), the cost increase is divided by the estimated twelve month sales volume "V" of that special product to reflect the dollar amount "d" by which the base price to each class of purchaser may be increased. For non-special covered products a total dollar amount of cost "D" is computed, and may be allocated to any of the non-special products in any amounts provided any increase is equally applied among all classes of purchasers of the particular product.

The purpose of this formula is to assure that non-product cost increases prenotified on a product line basis are allocated to the products in that product line in a manner similar to the allocation of product cost increases in § 150.356. The amendments proposed for § 150.356 are made in response to comments received from the industry, and specifically address the request by the smaller refineries to simplify and clarify the formula for allocation of increased product costs. Among the significant modifications in the general formula is the change to total sales volume from total sales revenues for use in allocating the increased costs of crude petroleum. This change is proposed in order to more accurately reflect the economics of increased product costs on particular products. Similarly, the levels of distribution, previously reflected by the symbol "j" have been eliminated in order to permit normal price movement between levels of distribution and avoid the possible development of pricing distortions.

Also, No. 2-D diesel fuel and No. 2 heating oil are now represented by i=fig 1 in the formula. Consolidation of these two basically interchangeable products for purposes of the allocation of increased product costs is designed to allow a similar price movement for these similar products. For the symbol "Y", in place of the current complex computation required, a refiner would have the option of establishing the cost of purchased products as either the lowest price at or above which 10% of the product was priced in transactions with

wholesalers in May 1973 or a cost of product accounting figure if approved by the Council.

Other technical changes in the formula are also proposed. A separate formula for non-special products is provided to more accurately reflect that a total dollar amount is calculated for such products. A new variable "G" is placed in both formulas which reflects the unused costs which have been carried over from previous months pursuant to paragraph (d) of § 150.356. A variable "H" in both formulas reflects the increased costs allocated to special products which pursuant to subparagraph (c) (1) (ii) a refiner elects to use for non-special products. Paragraph (d) of § 150.356 is amended to make clear that if in any month a refiner adds an "H" factor to the formula for non-special products, any amount not received in sales of non-special products may only be carried over and applied to sales of non-special products in a subsequent month.

Adjustments have been made to the definitions in § 150.356, in order to focus on combined petroleum products costs—both crude petroleum and purchased petroleum products. Crude petroleum costs are re-defined to include both imported and domestic crude costs. Thus, the subscript "k", which previously identified the origin of the product, has been eliminated from the allocation formula as no longer necessary. In further recognition of all product cost ingredients, the definition of crude petroleum has been broadened to include unfinished oils used in refining.

A new definition "increased product costs" consolidates all increased costs over the May 15, 1973, cost level and thereby eliminates any need to impute the cost of petroleum purchased from a different source if the firm purchased that product from any source in May 1973. If a firm did not make any purchases of a particular covered product in May 1973, the cost from which increases are measured shall be imputed as the lowest price at or above which at least 10% of that product was priced by the refiner during the month of May 1973.

Products purchased by the refiner, whether imported or domestic are described by the term "petroleum product" and denote covered products, including covered natural gas liquids which the refiner buys, but which are not unfinished input in refinery operations, whether or not these products are commingled with products refined by the refiner.

A change in the "landed cost" definition makes it clear that only transportation costs to the domestic entry port are part of "landed costs." Similarly, the definition of "cost of crude petroleum" is amended to clarify that in no circumstances does this include domestic transportation costs.

Finally, in order that the Council may more closely monitor the increased product costs a refiner uses to increase

May 15, 1973, selling prices, monthly reports will be required.

Interested persons are invited to participate in the rulemaking by submitting written data, views or arguments 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.

Comments should be identified on the outside envelope and on the document submitted with the designation "Proposed Phase IV Petroleum Amendments," and should be organized so that those comments dealing with a particular rule are on a separate page from those dealing with other rules. Ten copies should be submitted. All comments received by November 26, 1973, will be considered by the Council before final action is taken on the proposed regulations. 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 at the Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508, during the hours of 9 am to 5 pm, Monday through Friday.

(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, it is proposed to amend Part 150 of Title 6 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., on November 15, 1973.

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

§ 150.352 [Amended]

1. Section 150.352 is amended by deleting the definitions of "refiner-reseller" and "refiner-retailer".

2. Section 150.355 is revised to read as follows:

§ 150.355 Price rule: Refiners.

(a) *Applicability.* This section applies to each sale of a covered product which is purchased or refined by a refiner.

(b) *Rule.* A refiner may not charge to any class of purchaser a price in excess of the base price of that covered product except to the extent permitted pursuant to the provisions of paragraphs (c) through (k) of this section.

(c) *Price increases.* (1) A price in excess of the base price of an item in a product line may be charged only to recover on a dollar-for-dollar basis those net increases in allowable costs that have been incurred with respect to the product line since the period for determining base cost and which the refiner continues to incur.

(2) For the purpose of determining whether net allowable costs have been incurred which permit the charging of a price in excess of the base price, base costs shall be compared with current costs. Current costs which exceed base costs may be used to justify a price in excess of the base price. "Allowable costs" under this section mean non-product costs attributable to refining operations under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned and exclude any costs attributable to marketing operations.

(d) *Application of price increases.* (1) A firm may not increase prices above base prices pursuant to this section until it complies with the prenotification requirements of Subpart H of this part.

(2) A firm which is authorized to charge a prenotified percentage price increase pursuant to Subpart H of this part with respect to a product line by virtue of cost justification determined in accordance with this section, shall apply that percentage price increase in the following manner: (i) A refiner may charge a price in excess of the base price of a special product which reflects that part of the total allowable percentage price increase with respect to the product line allocable to sales of that special product: *Provided, That* (a) The amount of the increase above the base price is calculated by use of the formula in paragraph (d) (3) (i) of this section; (b) the amount of increased costs allocable to that special product is equally applied to each class of purchasers; and (c) the increase above the base prices may not be implemented more than once in any calendar month and must be implemented on the same date that increased product costs are added to May 15, 1973 selling prices to compute base prices pursuant to paragraph (g) of this section.

(ii) A refiner may charge a price in excess of the base price of its covered products other than special products which reflects that part of the total allowable percentage price increase with respect to the product line allocable to sales of those products or sales of special products not otherwise allocated pursuant to paragraph (d) (2) (i) of this section: *Provided, That*, (a) the amount of increase above the base price is calculated by use of the formula in paragraph (d) (3) (ii) of this section and (b) the amount of increased costs allocated to a covered product other than a special product is equally applied to each class of purchaser.

(3) *General formulae.* (i) For special products (i=1 and i=2):

$$d_i = \frac{S_i F}{V_i}$$

(ii) For covered products other than special products (i=3):

$$D_i = S_i F$$

Where; for (a) and (b):

d_i = The dollar amount that may be added to each base price of the special product or products of the type "i" in the period "e" (the consecutive 12-month period). The formula for special products must be computed separately for i=1 (No. 2 heating oil and No. 2-D diesel fuel) and i=2 (gasoline).

D_i = The total dollar amount a refiner may add in the period "e", (the consecutive 12-month period) to base prices of covered products of the type "i" in whatever amount it deems appropriate to each particular covered product other than a special product. The formula for covered products other than special products will only be computed for i=3 (all covered products other than special products and crude petroleum).

V_i = Estimated volume or quantity of sales of a specific covered product of the type "i" in the period "e" (the consecutive 12-month period).

S_i = Estimated total revenues from sales for the period "e" (the consecutive 12-month period), of a specific covered product or products of the type "i" at May 15, 1973, price levels.

F = The percentage of cost justification entered for all covered products under column (f), item 24, Part VI, of CLC Form 22.

The time period for measurement is referenced by the superscript e:

e = The consecutive twelve-month period for which the cost-justification is proposed, commencing the first day following the accounting month most recently ended prior to the date of signing the prenotification CLC Form 22.

The type of covered product is referenced by the subscript i:

i=1 represents No. 2 heating oil and No. 2-D diesel fuel.

i=2 represents gasoline.

i=3 represents all covered products other than special products and crude petroleum.

(e) *Price reductions.* A price charged in excess of the base price may continue to be charged only as long as the net increases in allowable costs which support that price in excess of the base price continue to be incurred. Price reductions shall be made whenever and to the extent necessary to assure that, for any fiscal quarter, the weighted average of all price increases and price decreases in a product line does not exceed the percentage of cost justification for that line.

(f) *Productivity gains.* (1) Increases in allowable costs shall be reduced to reflect productivity gains. For the purpose of determining whether a price may be charged above a base price pursuant to this section, productivity gains shall be calculated on the basis of the average percentage gain in the applicable industrial category, as set forth in the table in the Appendix to Subpart E. To the

extent provided in the table in the Appendix, productivity gains shall be taken into account in the calculation of all price increases during any fiscal year but only until the full productivity offset, derived from the Appendix and calculated under paragraph (f) (2) of this section, has been used within that fiscal year.

(2) For the purpose of determining the extent to which a price increase is justified, each refiner shall calculate the sum of all of its labor costs (of the type required to be included as costs in reporting and prenotification forms issued pursuant to Subpart H of this part) as a percentage of sales for the product line concerned, and shall multiply that percentage by the average annual rate of productivity gain for the applicable industrial category, as set forth in the table in the Appendix to Subpart E. The result is the productivity gain, stated as a percentage, by which the total cost increase must be reduced in order to be an allowable cost for the purposes of a price increase under this section.

(3) If the product line concerned extends to more than one industrial category, the average percentage gain in productivity in each category must be weighted in proportion to the ratio which its estimated sales in each industrial category for the most recently completed fiscal quarter bears to the total sales of that product line for that quarter.

(g) *Base price*—(1) *General rule*. The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973, and measured pursuant to the provisions of § 150.356. In computing the base price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

(2) *Special products*. Notwithstanding the general rule in paragraph (g) (1) of this paragraph, in computing the base price for special products, a refiner may not increase its May 15, 1973, selling prices to each class of purchaser more than once in any calendar month to reflect the increased product costs allowable pursuant to the provisions of § 150.356, but may implement the increase on any day during that month.

(3) *Imputed prices*. If no transaction occurred with respect to a particular product on May 15, 1973, the most recent day preceding May 15, 1973, when a transaction occurred shall be used for purposes of computing the base price. If a refiner first offered an item for sale after May 15, 1973, and prior to the effective date of this paragraph, the first day when the item was offered for sale shall be used for purposes of computing the base price.

(h) *Base cost*—(1) *Base costs*. Base costs are the net allowable costs incurred with respect to the product line concerned and are calculated as follows:

(i) *Input costs*. The base cost with respect to costs of labor, crude petroleum

and other input costs is the rate at which those costs were being incurred on May 15, 1973. If no input costs were incurred on that day, the base cost is the rate at which those costs were being incurred on the next day preceding May 15, 1973 on which input costs were incurred.

(ii) *All other costs*. The base cost with respect to all costs other than input costs is the rate at which those costs were being incurred on May 15, 1973. However, if the base cost with respect to any costs other than an input cost cannot reasonably be determined by the method prescribed in the preceding sentence, that base cost is the average cost incurred throughout the last fiscal quarter which ended before May 15, 1973, in which costs were incurred with respect to the product line concerned as calculated in accordance with forms and instructions issued by the Cost of Living Council.

(2) *New items*. The base cost with respect to input costs for each new item, as defined in accordance with § 150.361, is calculated as of the date on which the new item concerned was first sold or leased in arms-length trading between unrelated persons. The base cost with respect to all other costs which cannot be calculated on the first day of sale is the average cost incurred throughout the fiscal quarter in which the new item concerned was first sold or leased in arms-length trading between unrelated persons.

(i) *Current cost*—(1) *Current costs*. Current costs are the net allowable costs incurred during the current cost period with respect to the item concerned excluding increased product costs incurred after May 15, 1973 and measured pursuant to § 150.356.

(2) *Input costs*. The current cost with respect to costs of labor, crude petroleum and other input costs is the rate at which those costs were being incurred on the last full day of business in the current cost period.

(3) *All other costs*. The current cost with respect to all costs other than input costs is the rate at which those costs were being incurred on the last full day of business in the current cost period. However, if the current cost with respect to all costs other than input costs cannot reasonably be determined by the method prescribed in the preceding sentence, that current cost is the average cost incurred throughout the current cost period with respect to those costs as calculated in accordance with forms and instructions issued by the Cost of Living Council.

(4) *Current cost period*. The current cost period is the last accounting month preceding the date of signature of the prenotification document submitted in accordance with Subpart H of this part except that with respect to input and other costs which may be calculated as of a date certain, the rate at which these costs are incurred on the day which is the date of signature of the prenotification document may be considered the rate on the last full day of the current cost period.

(j) *Profit margin limitation*. A refiner which charges a price for any item in excess of the base price for that item in any fiscal year may not for the fiscal year in which the price increase is charged, exceed its base period profit margin as defined in § 150.31 of this part.

(k) *Certification*. Each refiner of gasoline must, with respect to each sale of gasoline other than a retail sale, certify in writing to the purchaser the octane number of the gasoline sold.

3. Section 150.356 is revised to read as follows:

§ 150.356 Allocation of Refiner's increased product costs.

(a) *Scope*. This section prescribes the requirements governing the inclusion of a refiner's increased product costs in the computation of its base prices pursuant to § 150.355(g) for covered products.

(b) *Definitions*. For purposes of this section—

"Cost of crude petroleum" means

(1) For purposes of domestic crude petroleum, (a) in arms-length transactions, the purchase price provided that it conforms with the requirements of § 150.354; (b) in a transaction between affiliated entities, the posted price for the new crude petroleum and the posted price or price determined pursuant to § 150.354(c) (3) for base production control level crude petroleum. If there is no posted price in a particular field, the related price for that grade of new domestic crude petroleum which is most similar in kind and quality at the nearest field for which the price is posted and the price determined pursuant to § 150.354(c) (3) for base production control level crude petroleum. Cost of crude petroleum also includes the cost of unfinished oils used in refining which are covered products. In no case does the cost of domestic crude petroleum or unfinished oils include transportation costs.

(2) For purposes of imported crude petroleum, the landed cost.

"Cost of petroleum product" means

(1) For purposes of domestic petroleum products other than crude petroleum, the purchase price.

(2) For purposes of imported petroleum products other than crude petroleum, the landed cost.

"Firm" means a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

"Increased product costs" means the sum of (1) the difference between the total cost of crude petroleum during the month of measurement and the total cost of crude petroleum during the month of May 1973, plus (2) the difference between the total cost of petroleum product during the month of measurement and the total cost of petroleum product during the month of May 1973. If a particular petroleum product was neither purchased nor landed during the month of May 1973, the cost of that petroleum product in May 1973 shall be imputed to be the lowest price at or above which at least 10% of that product was priced by

the refiner in transactions during the month of May 1973.

"Landed cost" means: (1) For purposes of complete arms-length transactions, the purchase price at the point of origin plus the actual transportation cost. (2) For purposes of products purchased in arms-length transactions and shipped pursuant to a transaction between affiliated entities, the purchase price at the point of origin plus the transportation cost computed by use of the accounting procedures generally accepted and consistently and historically applied by the firm concerned. (3) For purposes of products purchased in a transaction between affiliated entities and shipped pursuant to an arms-length transaction, the cost of the product computed by use of the customary accounting procedures generally accepted and consistency and historically applied by the firm concerned plus the actual transportation cost. (4) For purposes of products purchased and shipped pursuant to a transaction between affiliated entities, the costs of the product and the transportation both computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned. In all cases, the cost of transportation includes only the costs associated with the transportation from the point of origin to the port of entry into the United States.

"Transactions between affiliated entities" means all transactions between entities which are part of the same firm and transactions with entities in which the firm has a beneficial interest to the extent of entitlement of covered product by reason of the beneficial interest.

(c) *Allocation of increased costs*—(1) *General rule*.—(i) *Special products*. In computing base prices for sales of a special product, a refiner may increase its May 15, 1973 selling prices to each class of purchaser once each calendar month beginning with November 1973, by an amount to reflect the increased product costs attributable to sales of that special product using the differential between the month of measurement and the month of May 1973, provided that the amount of increased costs used in computing a base price is calculated by use of the general formula set forth in paragraph (c) (2) (i) of this section. To the extent that a refiner does not allocate its increased product cost for a special product pursuant to this provision, it may include that part of its increased product costs attributable to sales of that special product in computing its base prices for covered products other than special products pursuant to paragraph (c) (1) (ii) of this section.

(ii) *Other than special products*. In computing base prices for a covered product other than a special product, a refiner may increase its May 15, 1973, selling price to each class of purchaser each month beginning with November 1973, by an amount to reflect the increased product costs attributable to

sales of covered products other than special products or sales of special products not otherwise allocated pursuant to paragraph (c) (1) (i) of this section using the differential between the month of measurement and the month of May 1973, provided that the amount of increased costs used in computing a base price is calculated by use of the general formula set forth in paragraph (c) (2) (ii) of this section and: *Provided*, That the amount of increased product costs included in computing base prices of a particular covered product other than a special product must be equally applied to each class of purchaser. In apportioning any amount of increased product costs to covered products other than special products, a refiner may apportion the total amount of increased product costs to a particular covered product other than a special product in whatever amount he deems appropriate.

(2) *General formulae*. (i) For special products ($i=1$ and $i=2$):

$$d_i^* = \frac{A' \left(\frac{V_i^*}{V^*} \right) + B_i^* + G_i^* - H^*}{V_i^*}$$

(ii) For covered products other than special products ($i=3$):

$$D_i^* = A' \left(\frac{V_i^*}{V^*} \right) + B_i^* + G_i^* + H^*$$

Where; for (i) and (ii):

d_i^* = The dollar increase that may be applied in the period "u" (the current month) to the May 15, 1973, selling price of the special product or products of the type "i" to each class of purchaser to compute the base price to each class of purchaser. The formula for special products must be computed separately for $i=1$ (No. 2 heating oil and No. 2-D diesel fuel) and for $i=2$ (gasoline).

D_i^* = The total dollar amount a refiner may apportion in the period "u" (the current month) to covered products of the type "i" in whatever amounts it deems appropriate to each particular covered product other than a special product. The formula for covered products other than special products will only be computed for $i=3$ (all covered products other than a special product and crude petroleum).

V^* = The total volume of all covered products sold in the period "n" (the consecutive 3-month period of the preceding year such that the middle month of the period corresponds to the current month "u").

V_i^* = The total volume of a specific covered product or products of the type "i" sold in the period "n" (the consecutive 3-month period of the preceding year such that the middle month of the period corresponds to the current month "u").

V_i^* = The volume or quantity of a product or products of the type "i" estimated to be sold in the period "u" (the current month).

$$A' = Q' \left(\frac{C^i}{Q^i} - \frac{C^o}{Q^o} \right) \text{ which is the total}$$

increased cost of crude petroleum purchased or landed in the period "i" (the month of measurement).

Where:

Q' = The total quantity or volume of crude petroleum purchased in the period "i" (the month of measurement). For imported crude petroleum, the quantity or volume landed in the period "i" (the month of measurement).

Q^o = The total quantity or volume of crude petroleum purchased in the period "o" (the month of May 1973). For imported crude petroleum, the quantity or volume landed in the period "o" (the month of May 1973).

C^o = The total cost of crude petroleum purchased or landed in the period "o" (the month of May 1973).

C^i = The total cost of crude petroleum purchased or landed in the period "i" (the month of measurement).

$$B_i^* = c_i^* - c_i^o - Y_i(q_i^* - q_i^o)$$

which is the total increased cost of a specific covered product or products of the type "i" purchased or landed in the period "i" (the month of measurement).

Where:

c_i^* = The total cost of a covered product or products of the type "i" purchased in the period "o" (the month of May 1973). For imported products, the cost of products of the type "i" landed in the period "o" (the month of May 1973).

c_i^o = The total cost of a covered product or products of the type "i" purchased in the period "i" (the month of measurement). For imported products, the cost of products of the type "i" landed in the period "i" (the month of measurement).

q_i^* = The total quantity or volume of a covered product or products of the type "i" purchased in the period "o" (the month of May 1973). For imported products of the type "i", the total quantity or volume landed in the period "o" (the month of May 1973).

q_i^o = The total quantity or volume of a covered product or products of the type "i" purchased in the period "i" (the month of measurement). For imported products of the type "i", the total quantity or volume landed in the period "i" (the month of measurement).

Y_i = The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions with wholesalers during the month of May 1973 or, if none occurred in that month, in the month next preceding May 1973 in which such transactions occurred. Alternatively, the cost of the product or products concerned during the month of May 1973 may be used if computed by use of accounting procedures generally accepted and consistently and historically applied by the firm concerned and provided that the Council has approved in writing of the cost figures used.

$G_i = J_i - K_i$ which is the total dollar amount of increased costs of the product or products of the type " i " not recovered in sales of that product through the period " t " (the month of measurement) that have been carried forward pursuant to paragraph (d) of this section or the total excess revenues derived from sales of the product or products of the type " i " which must be subtracted pursuant to paragraph (d) of this section.

Where:

J_i = The total dollar amount of increased product costs attributable to the product type " i " from August 1, 1973, through the period " t " (the month of measurement).

K_i = The total dollar amount of increased product costs attributable to the product type " i " and recovered by sales through the period " t " (the month of measurement) by adjusting the May 15, 1973, selling prices pursuant to the provisions of this subpart.

H_i = The portion of the total dollar amount available in the period " u " (the current month) for inclusion in price adjustments to special products of the type " i " which pursuant to subparagraph (c)(1)(ii) the refiner elects to include in prices of covered products other than special products for the period " u " (the current month).

H = The sum of the dollar amounts available in the period " u " (the current month) for inclusion in price adjustments to special products which pursuant to paragraph (c)(1)(ii) of this section, the refiner elects to include in calculating the base prices of covered products other than special products for the period " u " (the current month).

The type of covered product is referenced by the subscript i :

$i=1$ represents No. 2 heating oil and No. 2-D diesel fuel.

$i=2$ represents gasoline.

$i=3$ represents all covered products other than special products and crude petroleum.

The time period for measurement is referenced in the superscript; where:

n = The consecutive 3-month period of the preceding year such that the middle month of the period corresponds to the current month.

c = The month of May 1973.

t = The month of measurement. (The month of measurement is the month preceding the current month.)

u = The current month. Quantities calculated for the current month will be estimates which should be based on the best available data.

(d) *Carryover of costs.* (1) If in any month beginning with October 1973, a

firm charges prices for a special product which result in the recoupment of less total revenues than the entire amount of increased product costs calculated for that product pursuant to the general formula and allowable under paragraph (c)(1)(i) of this section and that unused amount of increased costs is not used to increase May 15, 1973, selling prices pursuant to paragraph (c)(1)(ii) of this section, the amount of increased product cost not recouped may be added to the May 15, 1973, selling prices to compute the base prices for that special product for a subsequent month. The total amount allowable under paragraph (c)(1)(i) of this section may not include any amount represented by the symbol " H " in the formula in paragraph (c)(2)(i) of this section which pursuant to paragraph (c)(1)(ii) of this section the refiner has elected to include in a prior month in the calculation of the maximum permissible amount which may be used to adjust base prices of covered products other than special products. If in any month beginning with October 1973, a firm charges prices for a special product which result in the recoupment of more total revenues than the entire amount of increased product costs calculated for that product pursuant to the general formula and allowable under paragraph (c)(1)(i) of this section, the amount of excess product costs recouped must be subtracted from the May 15, 1973, selling prices to compute the base prices for that special product for the subsequent month.

(2) If, in any month beginning with October 1973, a firm charges prices for covered products other than special products which result in the recoupment of more or less total revenues than the entire amount of increased product costs calculated pursuant to the general formula and allowable under paragraph (c)(1)(ii) of this section, the excess revenues recouped must be subtracted from the May 15, 1973, selling prices and the amount of increased product costs not recouped may be added to May 15, 1973, selling prices to compute base prices for covered products other than special products in the subsequent month provided that the amount of the increased product cost not recouped and included in computing the base prices of a particular covered product other than a special product is equally applied to each class of purchaser. The total amount of increased product costs not recouped includes any amount represented by the symbol " H " in the formula in paragraph (c)(2)(ii) of this section which was available for inclusion in price adjustments to special products in a

previous month and which the refiner elected pursuant to paragraph (c)(1)(ii) of this section to include in the calculation of the maximum permissible amount which may be used to calculate base prices for covered products other than special products.

(e) *Affiliated entities.* For purposes of this section, transactions between affiliated entities may be used to calculate increased product costs. Whenever a firm uses a landed cost which is computed by use of its customary accounting procedures, the Council may allocate such costs between the affiliated entities if it determines that such allocation is necessary to reflect the actual costs of those entities or the Council may disallow any costs which it determines to be in excess of the proper measurement of costs.

4. Section 150.359 is amended in paragraph (a) to read as follows:

§ 150.359 Price rule: Resellers and retailers.

(a) *Applicability.* This section applies to each sale of a covered product by resellers, reseller-retailers, and retailers.

5. Section 150.361 is amended in paragraph (b) (3) to read as follows:

§ 150.361 New item and lease rule.

(b) *Base price determination.* . . .
(3) *Resellers.* A reseller, reseller-retailer or retailer, offering a new item, shall for purposes of applying the price rule of § 150.359(c) determine the May 15, 1973, selling price for that item as the price at which that item is priced in transactions at the nearest comparable outlet on the day when the item is first offered for sale. For purposes of computing the "increased costs," the cost of the item first offered for sale shall be used rather than the May 15, 1973, cost.

6. Section 150.363 is amended in paragraph (a) (2) by adding a sentence which reads as follows:

§ 150.363 Reports and recordkeeping.

(a) *Reports.* . . .
(2) *Refiners, retailers and resellers.* . . . Each refiner making price adjustments under § 150.356(c) of this Subpart shall, in the month in which the adjustment is made, submit its calculations under the formulas of § 150.356(c) in accordance with forms and instructions issued by the Council.

[FR Doc. 73-24666 Filed 11-15-73; 12:22 pm]

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 DEFENSE

Department of the Air Force CONTINENTAL OPERATIONS RANGE (COR)

Notice of Intent To Prepare an Environmental Impact Statement

NOVEMBER 16, 1973.

Notice is hereby given that in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the United States Air Force intends to prepare an environmental impact statement on the proposed Continental Operations Range.

The proposed Continental Operations Range involves the improvement and integration of three existing range complexes in the Western United States. The complex of ranges once completed will accommodate major improvements in the testing of air warfare weapons and tactics and in the training of aircrews. The program will improve the existing facilities at Nellis Air Force Base, Nevada; the Wendover/Hill/Dugway complex, Utah; and Fallon Naval Air Station, Nevada; and will connect these range complexes with suitable data links and communications. Changes in the airspace environment are proposed to insure safe and efficient use. The program objective is to provide a realistic combat environment consisting of the three ranges wherein squadron-sized strike forces can be fully exercised against a large-scale, multiple defended complex of targets. The proposed COR Program will integrate simulated enemy defense radars with their command and control system with scoring systems, instrumentation, and extensive data processing capability at each of the three range complexes. The threat system will be mobile so that various combat situations can be simulated. The program involves a continuous growth of capability at the ranges, but is divided into three major phases: near-term Nellis improvements, mid-term COR, and far-term COR. The near-term actions center on improving and consolidating the existing facilities and equipment at Nellis Air Force Base. The mid-term phase (1975-1977) involves the improvement of capabilities at the Wendover/Hill/Dugway range complex in Utah. The far-term phase (1978-1982) will improve the Fallon ranges near Reno, Nevada, and will complete the integration of communications and data processing for the three range complexes.

All interested persons desiring to submit suggestions for consideration in con-

nection with the preparation of the draft environmental impact statement should send them to Dr. Billy E. Welch, Special Assistant for Environmental Quality, Department of the Air Force, Washington, D.C. 20330 on or before December 18, 1973.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legisla-
tive Division, Office of The
Judge Advocate General.

[FR Doc.73-24195 Filed 11-15-73;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 73-21]

HARRY F. LARSON, M.D.

Notice of Hearing

Notice is hereby given that on August 29, 1973, the Drug Enforcement Administration, Department of Justice, issued to Harry F. Larson, M.D., Woodland Hills, California, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AL1456501, issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said order was received by Dr. Larson, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on December 5, 1973, in room 1211 of the Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537.

Dated: November 12, 1973.

JOHN R. BARTELS, Jr.,
Administrator, Drug
Enforcement Administration.

[FR Doc.73-24490 Filed 11-15-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management BOISE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management, Boise District Advisory Board, will meet at 9:30 a.m. on December 12 and 13, 1973, at the Boise District Office, 230 Collins Road, Boise, Idaho 83702.

The agenda for the meeting will include Advisory Board recommendations on 1974 grazing applications and applications for transfer of grazing privileges,

election of advisory board officers, and a progress report on district programs.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman, Eugene Davis, prior to the meeting. Any interested persons may file a written statement with the Board for its consideration. Written statements should be submitted prior to the meeting to Eugene Davis, c/o District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

Further information concerning this meeting may be obtained from the District Manager. Minutes of the meeting will be available for public inspection 30 days after the meeting.

WILLIAM L. MATHEWS,
State Director.

[FR Doc.73-24426 Filed 11-15-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 4]

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. Provisions beginning with sales Item 1 and continuing throughout the balance of Section 32 entitled "Peanuts, shelled or farmers stock—restricted use sales" published in 38 FR 19261 as amended in 38 FR 22808 are revised to read as follows:

Farmers stock. Segregation 1 peanuts may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts to be exported and the balance exported after fragmentation or crushed domestically.

Segregation 2 peanuts may be purchased for domestic crushing or exported after fragmentation.

Segregation 3 peanuts may be purchased for domestic crushing only.

2. Monthly Sales List (Fiscal Year Ending June 30, 1974): Sales are made on the basis of competitive bids submitted each Tuesday to the Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

Effective date: 2:30 p.m., e.s.t., October 31, 1973.

Signed at Washington, D.C. on November 7, 1973.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 73-24475 Filed 11-15-73; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business
Administration

BRANDEIS UNIVERSITY

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

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

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

Docket Number: 74-00039-33-90000.
Applicant: Brandeis University, Rosenstiel Basic Medical Sciences Research Center, 415 South Street, Waltham, Massachusetts 02154. Article: Rotating anode X-Ray Generator, Model GX6. Manufacturer: Elliott Automation Radar Systems Ltd., United Kingdom. Intended use of article: The article will be used in small-angle, high-resolution X-ray diffraction experiments involving muscle, membrane, and virus structure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a focused spot of minimal size (1 x 0.1 millimeters) and a rotating target for maximum X-ray power. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated October 18, 1973, that both of the characteristics of the article described above are pertinent to the applicant's research purposes. HEW further advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

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.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 73-24509 Filed 11-15-73; 8:45 am]

MICHIGAN STATE UNIVERSITY

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

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

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

Docket Number: 74-00014-01-77040.
Applicant: Michigan State University, Department of Biochemistry, East Lansing, Michigan 48823. Article: Mass Spectrometer, Mode CH-5DF and accessories. Manufacturer: Varian MAT GmbH, West Germany. Intended use of article: The article will be used at a mass spectrometry service facility to provide mass spectra of minute samples of various compounds at resolution sufficiently high to enable exact ionic and molecular formulae to be assigned. In addition, high resolution abundance determinations will be performed on some of these compounds. Advantage will be taken of field desorption, field ionization and stable isotope labeling techniques to provide the data needed for investigators in a variety of disciplines. Types of compounds typically submitted include: Lipids, steroids, and steroid metabolites, drugs and drug metabolites, pheromones and hormones, oligosaccharides, antibiotics, antifungals, pesticides, terpenes, simple and complex aliphatic and aromatic compounds, organometallics, amino acids and derivatives, early products of photosynthesis, peptides, and nucleosides and related compounds. Experiments to be conducted involve computer interactive high resolution mass spectra to determine molecular and ionic formulae; oligosaccharides sequencing at high resolution; monitoring of selected ions within a limited mass range at high resolution during the elution of a peak from the gas chromatograph into the ion source, using static measurements to maximize the potential of the system with computer control of the magnetic and electric sectors as well as accelerating voltage; computer controlled multiple ion detection for high resolution field desorption mass spectrometry; field desorption applications at medium to high resolution with computer acquisition and reduction of data; experiments involving computer interaction to measure the variables produced by energetic, magnetic and electrostatic changes in the mass spectrometer to stabilize these variations or remove their effects on the measured ion intensities; and daughter ion analysis for determination of fragmentation pathways to study kinetics of certain unimolecular ionic reactions.

The article will also be used to train professional and graduate students in the following courses: Bioch. 801, Bio-

chemical Methods of Analysis; Bioch. 806, Special Laboratory Projects in Mass Spectrometry; Bioch. 961, Theory and Application of Mass Spectrometry; Bioch. 855, Special Research Topics; and Bioch. 999, Thesis Research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (January 25, 1973).

Reasons: The foreign article provides a combined field desorption-field ionization-electron impact (FD-FI-EI) source. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated October 4, 1973, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's purposes which was available at the time the article was ordered.

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

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

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

[FR Doc. 73-24510 Filed 11-15-73; 8:45 am]

MT. SINAI SCHOOL OF MEDICINE

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

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

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

Docket Number: 73-00231-33-77040.
Applicant: The Mount Sinai School of Medicine of the City University of New York, Fifth Avenue and 100th Street, New York, NY 10029. Article: Mass Spectrometer, Model JSM-0LSC. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a research project involving the development of new diagnostic methods to detect human metabolic disorders, with an emphasis on inborn metabolic disorders in infants. Various body fluids (such as urine, blood, spinal

fluid and amniotic fluid) will be analyzed with the following objectives:

- (1) To identify as many of the components of body fluids referred to above which have previously not been identified, or had been ignored or considered medically unimportant;
- (2) To develop as much quantitative information on these components in as many samples as possible in order to develop normal standards by which to assess the significance of the presence of particular quantities of these components in the body fluids of particular individuals; and
- (3) To develop as much quantitative information on these components as possible in the body fluids of individual patients for comparison at a later time with subsequent information from the patient.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 9, 1969).

Reasons: This application is a re-submission of Docket Number 71-00373-33-77040 and 70-00561-33-77040 which were denied without prejudice to re-submission for information deficiencies. In reply to Question 8 of this application the applicant alleged the following to be "pertinent specifications" of the foreign article: (a) Capacity of the Photoplate Chamber (400 exposures), (b) Automatic Photoplate Shifting Device, (c) Ion Beam Shuttering System, (d) Monitors (Total ion current, total ion charge, and true outcoming beam from the ion source), (e) Multi-dimensional adjusting mechanism for electron bombardment ion source, (f) Automatic Operation Control (Control of such instrumental parameters as plate shifting as well as beam cutting and scanning for high and low resolution modes and for photoplate end on-line electrical detection. A sequence of control signals is initiated by the incoming gas chromatograph effluent) and (g) Interface (Hardware for on-line operation is interfaced with a control computer). The Department of Health, Education, and Welfare (HEW) reviewed this application and compared the features of the foreign article with those of comparable domestic mass spectrometers (i.e., the Model GRAF 3 manufactured by Nuclide Corporation (Nuclide) and the Model 21-110C which was formerly manufactured by Consolidated Electrodynamics Corporation (CEC) and which is currently produced by E. I. du Pont de Nemours and Company (du Pont)). In its memorandum dated March 7, 1973, the Department of Health, Education, and Welfare (HEW) advises that each of the capabilities cited above by the applicant is a convenience feature and not a "pertinent specification" within the meaning of § 701.2(n) of the regulations.

The applicant also claimed (in reply to Question 8(d)) that duty-free entry of the article should be granted under

the provisions of § 701.11(c) of the regulations because the delay in delivering domestic instruments having the features cited above would have jeopardized the program described in reply to Question 7. As to this claim HEW advised, "It would of course take some time for an (sic) American manufacturers to add the convenience items (a-g) to existing equipment. But these items are all judged convenience only—so delivery time of the basic CEC or Nuclide machine would not have caused serious delay."

For these reasons, we find that each of the domestic instruments cited above was of equivalent scientific value to the foreign article for such purposes as this article is intended to be used and was being manufactured in the United States at the time the foreign article was ordered.

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

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 73-24511 Filed 11-15-73; 8:45 am]

NORTHWESTERN UNIVERSITY

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

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

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

Docket Number: 74-00045-00-46040.
Applicant: Northwestern University, Purchasing Department, B605 Morton Bldg., 303 East Chicago Avenue, Chicago, Illinois 60611. Article: Universal Camera for Elmiskop I Electron Microscope. Manufacturer: Siemens AG, West Germany. Intended use of Article: The article is an accessory to an existing electron microscope to be used primarily to make permanent photographic records of research findings resulting from such studies as the etiology of cataract, development of various parts of the nervous system, protein synthesis in developing systems, etc.

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 application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The

article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

A. H. STUART,
Director,

Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 73-24512 Filed 11-15-73; 8:45 am]

UNIVERSITY OF FLORIDA

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

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

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

Docket Number: 74-00032-33-46040.
Applicant: University of Florida, College of Medicine, M-268 Medical Science Building, Box 218, J.H.M. Health Center, Gainesville, Florida 32610. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of Article: The article is intended to be used in the study of biological materials principally tissue specimens from a variety of mammalian organs. The experiments conducted involve, for the most part, alteration of the physiological state of the testicular vascular bed, blockage of the efferent duct systems and the introduction of tracer materials to determine the integrity of the epithelial components after treatment with specific drugs. The article will also be used for teaching purposes in the courses MED 605, Research Methods in Anatomy; MED 678, Advanced Microscopic Anatomy; and MED 632, Techniques in 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 foreign article provides a continuous magnification from 285 to 250,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgglo Corporation. The Model

EMU-4C, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 17, 1973, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used. HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment.

Therefore, the capability of moving from 285 to 250,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 73-24514 Filed 11-15-73; 8:45 am]

YALE UNIVERSITY

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

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

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

Docket Number: 74-00046-33-54500. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Connecticut 06520. Article: Gold-

man Perimeter, Model 950. Manufacturer: Haag-Streit AG, Switzerland. Intended use of Article: The article will be used to observe visual fields in patients with suspected glaucoma in a study aimed at the earliest possible detection of the disease.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a capability for static perimetry which permits a small area to be fully tested. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated October 18, 1973, that the capability described above is pertinent to the applicant's use in a study of early detection of glaucoma by evaluating visual field changes. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article.

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.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,

Special Import Programs Division.

[FR Doc. 73-24513 Filed 11-15-73; 8:45 am]

Maritime Administration

[Docket No. S-395]

SUWANNEE RIVER LINES, INC.

Amended Notice of Application

Notice is hereby given that Suwannee River Lines, Inc., has on October 10, 1973, amended its application of July 5, 1973, for operating-differential subsidy (ODS), notice of which was published in the FEDERAL REGISTER of October 30, 1973 (38 FR 29905), FR Doc. 73-23223, to request ODS on four 44,600 deadweight ton combination heated and refrigerated bulk liquid chemical carriers in lieu of the three 67,000 deadweight ton combination heated and refrigerated bulk liquid chemical carriers and three 67,000 deadweight ton refrigerated chemical carriers for which operating-differential subsidy was requested in the July 5, 1973, application. The four combination heated and refrigerated carriers will operate generally in the carriage of super phosphoric acid from the United States to the U.S.S.R. and ammonia from the U.S.S.R. to the U.S. The vessels may at times be operated in other worldwide service, but will not carry cargoes subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the carriage of liquid bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before November 29, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated: November 12, 1973.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 73-24523 Filed 11-15-73; 8:45 am]

National Bureau of Standards

COMMERCIAL STANDARDS

Action on Proposed Withdrawals

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standards CS 72-54, "Household Insecticide (Liquid Space Spray Type for Flying Insects)," CS 69-38, "Pine Oil Disinfectant," and CS 194-53, "Pentachlorophenol Concentrate for Wood Preservation and Soil Poisoning."

This action is taken in furtherance of the Department's announced intentions as set forth in the public notices appearing in the FEDERAL REGISTER of July 24,

1973 (38 FR 19850), to withdraw these standards.

The effective date for the withdrawal of these standards will be 60 days after the publication of this notice. This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce Procedures.

Dated: November 13, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc. 73-24451 Filed 11-15-73; 8:45 am]

Social and Economic Statistics Administration

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Determination

In conformity with Title 13, United States Code, sections 181, 224, and 225, and due notice having been published on September 28, 1973 (38 FR 27101), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from non-governmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required for all or a sample of establishments engaged in the production of the items covered by the following list of surveys.

The surveys have been arranged under major group headings shown in the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Broadwoven goods furnished.
Narrow fabrics.
Yarn production.
Knit cloth.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Rubber.
Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Commercial steel forgings.
Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.
Selected air pollution control equipment.
Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS: PHOTOGRAPHIC AND OPTICAL GOODS: WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual supplements of monthly and quarterly surveys and will cover the same establishments canvassed in the monthly or quarterly survey. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected on the more frequent survey.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Glass containers.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Closures for containers.
Steel shipping barrels, drums and pails.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Margarine Manufacturers'—packaging operations.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.
Rugs, carpets and carpeting.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Thermoplastics pipe, tube, and fittings.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat Glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.
Steel mill shapes and forms (Consumers and Producers Report).
Copper-base mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines and selected parts.
Truck trailers.

The Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment,

payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis, will cover all manufacturing industries. Data on employment, payrolls and inventories for auxiliary establishments of manufacturing companies such as central administrative offices, manufacturers sales branches, warehouses, etc., will be included, as well as data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. This survey has been conducted annually since 1966. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed the annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: November 13, 1973.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.73-24496 Filed 11-15-73; 8:45 am]

SURVEY OF DISTRIBUTORS' STOCKS OF CANNED FOODS

Notice of Determination

In conformity with Title 13, United States Code, sections 181, 224, and 225, and due notice of consideration having been published October 11, 1973 (38 FR 28091), I have determined that year-end data on stocks of 30 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential government functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources. This is a continuation of the survey conducted in previous years.

All respondents will be required to submit information covering their Decem-

ber 31, 1973, inventories of 30 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multiunit firms reporting separately by establishment will be requested to update the list of their establishments maintaining canned food stocks.)

Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that this annual survey be conducted for the purpose of collecting these data.

Dated: November 13, 1973.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.73-24497 Filed 11-15-73; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration OVER-THE-COUNTER MISCELLANEOUS INTERNAL DRUG PRODUCTS

Safety and Efficacy Review; Request for Data and Information

The FDA is undertaking a review of all over-the-counter (OTC) drug products for human use currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice outlining procedures for this review was published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464).

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for all dosage forms of OTC drug products taken or used internally and not previously the subject of a request for data and information for this OTC Review, the administration invites submission of data, published and unpublished, and other information pertinent to all active ingredients utilized in such preparations.

Examples of the types of products to be reviewed in this category include, but are not limited to internal dosage forms of:

Adsorbents.	OTC Cancer Cures.
Alcoholism Cures.	Reducing Aids.
Antiflatulents.	Salt Tablets.
Antispasmodics.	Smoking Deterrents.
Aphrodisiacs.	Stomach Acidifiers.
Bed Wetting Deterrents.	Sweeteners.
Colic Remedies.	Universal Antidotes.
Digestive Aids.	Urethral Creams for males.
Diuretics.	Weight Control Products.
Hair Growers.	Weight Increasing Products.
Hang-over Remedies.	Worm Remedies.
Impotency Cures.	
Menstrual Products.	

Published elsewhere in this issue of the FEDERAL REGISTER is a similar request for data for all OTC miscellaneous external drug products.

This request for data and information for all miscellaneous internal OTC drugs is the last opportunity for submission of data on OTC drugs to be reviewed by expert panels and the Food and Drug Administration pursuant to the procedures established in § 130.301. Any remaining OTC drug for internal use on which data have not been provided to the Food and Drug Administration should be submitted at this time. If any such submission relates to the work of an earlier panel, and there is still a reasonable opportunity for that panel to consider the data involved, it will be referred to the correct panel.

Submission of data has been, and remains, entirely voluntary. It is not required that any OTC drug be the subject of any such submission. The Commissioner advises, however, that the monographs resulting from the OTC drug review will, pursuant to § 130.301, be regarded by the Food and Drug Administration as fully applicable to every OTC drug, regardless whether any such submission has been made for a particular product. See *Weinberger v. Benter Pharmaceuticals, Inc.*, 412 U.S. 645 (1973); *Warner-Lambert Company v. Federal Trade Commission*, 361 F. Supp. 948 (1973); and *United States v. Col-Trol 80 Medicated*, CCH F.D.Cosm. L. Rep., para. 40,837 (N.D. Ga. 1973). The Commissioner is therefore giving final notice of the opportunity to submit data and information on any OTC drug for internal use on which no previous submission has been made.

Because of the diverse nature of the ingredients used in these drugs, FDA has not conducted a literature search and therefore, a bibliography is not available.

The FDA is aware that safety data on ingredients used in this category may be available as a result of testing related to nondrug products, such as cosmetics. All interested parties are encouraged to submit at this time all available safety data for these ingredients, so that the conclusions reached will reflect the best information available.

This panel is not charged with reviewing the safety or effectiveness of the use of these ingredients in nondrug products such as cosmetics. However, the conclusions of the panel with respect to these ingredients for drug use may be utilized by the Food and Drug Administration in determining whether their

use in cosmetics can continue to be justified. Thus, although the report and monograph prepared by this panel will cover only OTC drug use, the conclusions may well have a direct and substantial impact on all uses of these ingredients in consumer products.

To be considered, eight copies of the data and/or views must be submitted, preferably bound, indexed, and on standard size paper (approximately 8½ by 11 inches). All submissions must be in the format described below:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. Animal safety data.

A. Individual active components.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

B. Combinations of the individual active components.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

C. Finished drug product.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

IV. Human safety data.

A. Individual active components.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of the finished product.
5. Pertinent medical and scientific literature.

V. Efficacy data.

A. Individual active components.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of each individual active component.
5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy

of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.

5. Pertinent medical and scientific literature.

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

VII. If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes unfavorable information, as well as any favorable information, known to him pertinent to an evaluation of the safety, effectiveness, and labeling of such a product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

Submissions should be forwarded to:

Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (BD-109), 5600 Fishers Lane, Rockville, Maryland 20852.

Submission of data must be on or before January 15, 1974 (Federal Food, Drug, and Cosmetic Act, sec. 701; 21 U.S.C. 371).

Dated November 9, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 73-24506 Filed 11-15-73; 8:45 am]

OVER-THE-COUNTER MISCELLANEOUS EXTERNAL DRUG PRODUCTS

Safety and Efficacy Review; Request for Data and Information

The FDA is undertaking a review of all over-the-counter (OTC) drug products for human use currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice outlining procedures for this review was published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464).

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for all dosage

forms of OTC drug products applied or used externally and not previously the subject of a request for data and information for this OTC Review, the administration invites submission of data, published and unpublished, and other information pertinent to all active ingredients utilized in such preparations.

Examples of the types of products to be reviewed in this category include, but are not limited to external dosage forms of:

Alcohol.
Astringents (styptic pencil).
Baby Cream (diaper rash, rash, Prickly heat).
Back and Medicated Plasters.
Bleaching Preparations—skin.
Blemish Remedies—skin.
Boil Ointment.
Bunion Remedies.
Bust Developers.
Callous Pads—Medicated.
Chafing and Chapping Aids.
Corn Pads, Plasters & Remedies.
Cradle Cap Remedies.
Depilatories.
Foot Balms, Baths, Creams, etc.
Girth/Weight Reducers (solutions, impregnated body wraps).
Hair Growers.
Hormone Cream.
Ingrown Toenail Remedies.
Liquid Bandages—Protective Skin Preparations.
Medicated Bath Preparations.
Mercurials and Mercury-containing Lotions, Salves, etc.
Nail Biting Deterrents.
OTC Cancer Cures.
Parasiticides.
Poison Ivy and Oak Remedies.
Premature Ejaculation Remedies.
Skin Healing Preparations.
Tattoo Removers.
Thumb Sucking Deterrents.
Wart Removers.
Wrinkle Removers.

Published elsewhere in this issue of the FEDERAL REGISTER is a similar request for data for all OTC miscellaneous internal drug products.

This request for data and information for all miscellaneous external OTC drugs is the last opportunity for submission of data on OTC drugs to be reviewed by expert panels and the Food and Drug Administration pursuant to the procedures established in § 130.301. Any remaining OTC drug for external use on which data have not been provided to the Food and Drug Administration should be submitted at this time. If any such submission relates to the work of an earlier panel, and there is still a reasonable opportunity for that panel to consider the data involved, it will be referred to the correct panel.

Submission of data has been, and remains, entirely voluntary. It is not required that any OTC drug be the subject of any such submission. The Commissioner advises, however, that the monographs resulting from the OTC drug review will, pursuant to § 130.301, be regarded by the Food and Drug Administration as fully applicable to every OTC drug, regardless whether any such submission has been made for a particular product. See *Weinberger v. Bente Pharmaceuticals, Inc.*, 412 U.S. 645 (1973); *Warner-Lambert Company v. Federal Trade Commission*, 361 F. Supp.

948 (1973); and *United States v. Col-Trol 80 Medicated*, CCH F.D.Cosm. L. Rep., Para. 40,837 (N.D. Ga. 1973). The Commissioner is therefore giving final notice of the opportunity to submit data and information on any OTC drug for external use on which no previous submission has been made.

Because of the diverse nature of the ingredients used in these drugs, FDA has not conducted a literature search and therefore, a bibliography is not available.

The FDA is aware that safety data on ingredients used in this category may be available as a result of testing related to nondrug products, such as cosmetics. All interested parties are encouraged to submit at this time all available safety data for these ingredients, so that the conclusions reached will reflect the best information available.

This panel is not charged with reviewing the safety or effectiveness of the use of these ingredients in nondrug products such as cosmetics. However, the conclusions of the panel with respect to these ingredients for drug use may be utilized by the Food and Drug Administration in determining whether their use in cosmetics can continue to be justified. Thus, although the report and monograph prepared by this panel will cover only OTC drug use, the conclusion may well have a direct and substantial impact on all uses of these ingredients in consumer products.

To be considered, eight copies of the data and/or views must be submitted, preferably bound, indexed, and on standard size paper (approximately 8½ by 11 inches). All submissions must be in the format described below:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. Animal safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of the finished product.

5. Pertinent medical and scientific literature.

V. Efficacy data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.

5. Pertinent medical and scientific literature.

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

VII. If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes unfavorable information, as well as any favorable information, known to him pertinent to an evaluation of the safety, effectiveness, and labeling of such a product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

Submissions should be forwarded to:

Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (BD-109), 5600 Fishers Lane, Rockville, Maryland 20852.

Submission of data must be on or before January 15, 1974 (Federal Food,

Drug, and Cosmetic Act, sec. 701; 21 U.S.C. 371).

Dated: November 9, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-24507 Filed 11-15-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

MICROWAVE LANDING SYSTEM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of P.L. 92-463, notice is hereby given that the Microwave Landing System Advisory Committee will hold a meeting on November 26 and 27, 1973, beginning at 9:00 AM EDT, November 26, 1973, in Room 8A-B, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. The following agenda items are scheduled for this meeting:

1. FAA response to recommendations of last meeting.
2. Status of Phase II test and evaluation development.
3. Status of development of decision-making criteria, progress on assignment of importance of different system features, method of selection and concepts versus mechanizations.
4. Discussion period with MLS contractors as appropriate.
5. Presentation on results of NASA STOL MLS requirement analysis.
6. Status report on Government activities on polarization.
7. Review of international situation and international participation.
8. Impact of FAA Interim MLS decision on MLS (discussion).
9. Review of DME question (L-Band/C-Band/low-cost DME).
10. Meeting summary and planning for next meeting.

All those interested in attending the meeting should contact Mr. Jules I. Kanter, Executive Director, Microwave Landing System Advisory Committee, Federal Aviation Administration, 2100 2nd Street SW., Washington, D.C. 20590, Telephone 202-426-3633. The meeting will be open to the public.

JULES I. KANTER,
Executive Director, Microwave
Landing System Advisory
Committee.

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

[FR Doc.73-24535 Filed 11-15-73; 8:45 am]

WOMEN'S ADVISORY COMMITTEE ON AVIATION

Notice of Meeting

Pursuant to section 10(a)(2) of Public Law 92-463, notice is hereby given that the Women's Advisory Committee on Aviation will hold a meeting on November 26-28, 1973, at the Federal Aviation

Administration Building, 800 Independence Avenue SW., Washington, D.C.

The following agenda items are scheduled for the meeting:

(1) Discussion on ways to generate greater community interest and participation in the airport expansion improvement program.

(2) Discussion on ways to support the FAA mission to promote air commerce world wide.

(3) Discuss FAA's Accident Prevention Program and its effectiveness on general aviation safety.

(4) Prepare recommendations to be presented to the Administrator.

Person interested in attending the meeting should contact Mrs. Nona Quarles, Women's Aviation Activities, Office of Information Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone: (202) 426-8785. The meeting will be open to the public. Seating will be available on the first-come, first-served basis.

Issued in Washington, D.C., on November 13, 1973.

L. J. CHURCHVILLE,
Assistant Administrator,
Information Services.

[FR Doc. 73-24534 Filed 11-15-73; 8:45 am]

**Federal Highway Administration
WALT WHITMAN AND BENJAMIN
FRANKLIN BRIDGE TOLLS**

**Opinion of the Administrator Regarding
Toll Schedules**

The Delaware River Port Authority operates the Benjamin Franklin and Walt Whitman Bridges linking Philadelphia, Pennsylvania, and New Jersey. The Port Authority's basic authorization to operate the bridges and to charge tolls for crossing them is contained in an interstate compact between Pennsylvania and New Jersey which Congress approved in Pub. L. 573, 82d Congress (66 Stat. 738).¹ Section 3 of Pub. L. 573 provides that, while the Authority may charge tolls for crossing its bridges, the rates it charges are subject to the provisions of section 503 of the General Bridge Act of 1946.

Section 503 (33 U.S.C. 526) provides that if tolls are charged for transit over any interstate bridge, the tolls "shall be reasonable and just, and the Secretary of the Army may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit." The power to prescribe reasonable rates for tolls on interstate bridges was transferred from the Secretary of the Army to the Secretary of Transportation by section 6(g) (4) (b) of the Department of Transportation Act, 80 Stat. 931, 941; 49 U.S.C. 1655(g) (4) (B), and the Secretary has delegated this power to the

Administrator in § 1.48(i) (2) of the Department of Transportation Regulations (49 CFR 1.48(i) (2)). DRPA also operates the Lindenwold high-speed rail commuter line (PATCO), and maintains a World Trade Division to promote the Port of Philadelphia.

Effective April 1, 1972, the Delaware River Port Authority increased the toll charges on the Walt Whitman and Benjamin Franklin Bridges which span the Delaware River between Philadelphia, Pennsylvania, and Camden, New Jersey. Cash tolls for automobiles and light (7,000 pounds or under) trucks were increased from 50 cents to 60 cents, and the cost of a commutation ticket for such vehicles—sold in books of 40, good for 30 days and not transferrable between vehicles—rose from 25 cents to 35 cents apiece.² Bus tolls were increased from \$1.00 per crossing to 75 cents per axle per crossing, raising the toll to \$1.50 in most cases. Truck tolls rose from a range of \$1.00 to \$3.00 (depending on the number of axles) to \$1.50 to \$4.50.

The Authority raised its tolls for the stated purpose of attaining additional revenues to complete the financing of a capital construction program and to operate and maintain those facilities. The construction program, which was scheduled for full completion in 1974, consists essentially of the extension of the rapid transit line over the Benjamin Franklin Bridge to Lindenwold, New Jersey (now completed), and construction of two new bridges across the Delaware River, one at Delair, New Jersey, and the other at Chester, Pennsylvania, as well as approaches to those new bridges. The Chester Bridge will replace the present ferry which the Authority operates. In addition, the Authority is constructing a new maintenance building and building approach highways leading to the New Jersey side of the Benjamin Franklin Bridge. The Delair and Chester Bridges are not open for traffic, and their opening date is not known.

Immediately after the Port Authority announced that tolls would be increased, the Administrator received a large number of protests from members of the public and their representatives in Congress. By order of August 10, 1972, the Administrator, acting pursuant to the Federal Highway Administration's bridge toll procedural rules (49 CFR 310.14), directed that a formal, on-the-record hearing be held in Philadelphia for the purpose of permitting interested parties to submit evidence bearing on the reasonableness and justness of the Port Authority's toll schedule. A pretrial conference was held on September 8, 1972. Oral hearings were held in Philadelphia from Sep-

tember 28 to October 7, 1972. Interested members of the public appeared and made unsworn statements. The DRPA presented witnesses and documents in support of the reasonableness of the toll schedule. The American Automobile Association, Transport of New Jersey and Trenton-Philadelphia Coach Company (bus lines operating over the bridges), the Pennsylvania Motor Truck Association, the City of Philadelphia, and Motorists for Lower Tolls (a group of southern New Jersey motorists), appeared in opposition to the toll schedule. The FHWA's Office of Chief Counsel appeared as public counsel representing the public interest.

Subsequent to the hearings, and upon consideration of briefs filed by the principal parties, the Administrative Law Judge found the burden of demonstrating the increased toll levels reasonable and just to be upon the DRPA, and that the DRPA failed to meet this burden. He recommended that the Administrator require that the toll schedule in effect prior to the 1972 increase be reinstated.

The Delaware River Port Authority (DRPA) filed exceptions to the report and recommended order of the Administrative Law Judge, and Public Counsel of the Federal Highway Administration, the City of Philadelphia and Transport of New Jersey replied.

The Administrator, upon consideration of the initial decision, and the exceptions and replies, issued a Tentative Opinion on June 1, 1973, as supplemented on June 22, 1973, and directed oral argument in the matter. That opinion rejected the judge's conclusion that the burden of proof lay with DRPA, and, utilizing the 15-year projections presented by DRPA in determining toll levels, tentatively concluded, on an aggregate of years basis, that the increased toll levels were neither just nor reasonable. The principal parties and several individuals appeared at oral argument in Philadelphia, on June 29, 1973, and presented their views to the Administrator.

All data in the record have been considered. Additionally, the Administrator has considered monthly financial statements submitted to the Federal Highway Administration for the months ending August 31, 1972 and 1973, and December 31, 1973, and the report of DRPA's certified public accountants, also submitted by DRPA to the Federal Highway Administration. Also, data subsequent to that introduced into evidence were presented orally by counsel for DRPA at oral argument.

The Administrator believes that these reports may be officially noticed because they are DRPA's own documents, voluntarily submitted to this Department, and generated by DRPA; and certainly would not be subject to impeachment by DRPA. Compare *Market Street Ry. Co. v. Railroad Commission of California*, 324 U.S. 548 (1945). Moreover, a proper determination in this proceeding must, of necessity, consider the traffic and revenue effects of the increased

¹ A subsequent statute, Public Law 88-320 (78 Stat. 215 (1964)), approved amendments to the compact but did not make any relevant change in the terms and conditions of the basic Federal consent.

² The 1972 toll schedule has differed at various times in regard to the commuter tickets. Originally 50 ticket books valid for one calendar month were issued. Beginning on March 16, the Authority offered books containing from 40 to 50 tickets in increments of two tickets. The present schedule is that indicated above. The time-and-vehicle-use restrictions of commuter tickets constitute a tightening of commuter ticket policy over the 1968 toll schedule.

toll schedules, and absent the noticed documents, this could not be done.

It is not necessary to dwell at length on the proper meaning of reasonable and just as applied to the toll schedule being considered. All parties to this proceeding agree that DRPA's revenues should be sufficient to achieve a return sufficient to support its total activities, including the operation of the bridges, the PATCO rapid transit system, and the World Trade Division, and provide sufficient coverage for financings. Thus, a reasonable and just toll schedule would be one sufficient to support these activities and requirements. DRPA states its general agreement with this described return level, but notes that it would enjoy a return of less than 6 percent on invested capital under the increased toll schedule. Although the matter of return on invested capital was central to the courts' decision in *City of Burlington v. Turner*, 336 F. Supp. 594 (S.D. Iowa 1972), modified, 471 F.2d 120 (8th Cir. 1973), it is not material in this proceeding because DRPA seeks only a toll level sufficient to support its various activities, while generating adequate financing coverage.²

The DRPA has covenanted, through bond indenture agreements, with its bondholders to collect tolls, fares and other charges for transit over the bridges it operates and on PATCO sufficient to provide revenues to pay all the expenses of operating, repairing, and maintaining its facilities and to provide net revenues available in each year equal to at least 120 percent (also expressed as 1.2 coverage) of the aggregate bond service for that year. DRPA may reduce tolls or fares if in the preceding calendar year a coverage of at least 1.6 has been achieved, or if in each of the two preceding years a coverage of at least 1.4 has been achieved. DRPA has obligated itself to raise tolls and fares to ensure at least a 1.2 coverage if coverage for any year is less than that amount, or if it appears that coverage for the ensuing years will not meet that figure.

The April 1, 1972, toll increase was adopted by DRPA to prevent coverage from dropping below the 1.2 base.³

DRPA, in forecasting its revenue needs, projected estimates on a 15-year basis (1970-1985), providing for two bond issuances in 1972 (which were issued), a subsequent bond issue in 1973 (which was not issued), and the Chester and Delair bridges open to traffic by January 1, 1974 (their actual opening dates have been postponed, and there is not any reliable estimate as to when either will open).

When DRPA sought, and was permit-

ted to maintain, substantial toll increases in 1968,⁴ a 15-year projection was similarly relied upon, with the Delair and Chester bridges scheduled for opening in 1972 and 1973, respectively. The fallacy of reliance upon long-term projections is obvious, since their validity is dependent upon the unknown factor of the completion and opening of the new bridges, as well as providing for coverage on a bond issue not yet offered. The result of the 15-year projection is to require funding for an unissued bond series, and to place upon the public a long-term cost which may not be warranted by virtue of paying for two bridges whose use is now impossible. This cannot be better demonstrated than by the fact that DRPA's 1968 toll increase, designed to provide sufficient income through 1985, was adequate only for four years.

The Administrator must reject the 15-year projection basis, originally posited by DRPA and attempted to be followed in the tentative opinion, in favor of a rational, projectable short-term period.

To this end, DRPA's actual revenue needs for 1972 and the first eight months of 1973 will be considered, with projections based on those needs, and upon the actual total of bond service obligations, made through 1975.⁵

As previously noted, DRPA seeks a return sufficient to support its expenses and bond service obligations. The minimum return enabling DRPA to achieve this support, and comport with the bond indenture covenants, would result in a bond service coverage ratio of 1.2. The Administrator believes that, at least for the short term, until all DRPA bridges reach full operational levels, the return realized by DRPA should be at or near that level. It is patently unreasonable to require the public to contribute substantial surpluses annually, to support both an unissued bond series, and two bridges, the openings of which have been so long delayed.⁶

It is readily apparent that a toll increase of relatively modest proportions was necessary in 1972 to compensate for events transpiring since the 1968 increase. In recognition of the facts that a 1.2 coverage is the minimum permitted, and that a margin should be provided, a return sufficient to achieve a 1.25 bond service coverage is considered just and reasonable.

We now turn to the issue of DRPA's toll structure, viewed in terms of achieving the 1.25 bond service coverage. The precise calculations, all predicated upon financial statements submitted by DRPA,

are set forth in Appendices A-F. Annual traffic growth of 4 percent is based upon comparison of August 1972 and 1973 toll revenue figures, and 5.8 percent annual increase in O&M expenses is based upon comparison of August 1972 and 1973, and first eight months of 1972 and 1973 expenses. Administrative expenses projected by DRPA (Exhibit 7) for 1974-1975 are supported by 1972 and 1973 actual expenses, and DRPA's projections are therefore accepted. In determining DRPA's net operating revenue, depreciation expense is not allowed for PATCO. This public enterprise was financed originally by bonds (directly or derivatively through the use of other funds available by application of bond proceeds to other areas), and presumably can be refinanced in the same manner. The public now subsidizing PATCO for the benefit of present ridership, should not be required to so subsidize future patrons. Additionally, there may be funds available through the Urban Mass Transportation Administration to replace PATCO equipment.

This is not to state that DRPA may not maintain a depreciation reserve for PATCO. It may do so chargeable to surpluses, but only cannot charge that expense against PATCO operations for the purpose of bond service coverage calculations.

Interest income from the Revenue Bond Service and Bond Reserve Funds is included, but that from the Escrow Deposit, Bond, Construction, and General Funds is not.

Appendices A and B present DRPA's net operating revenues for 1972 (actual) and 1973 (8 months actual and 4 months projected as identical to corresponding months in 1972). Appendix C demonstrates that DRPA achieved bond service coverages of 1.41 and 1.42 during these years. The major differences evident in use of current data, as compared to DRPA projections are higher toll receipts, lower O&M expenses, higher interest income, and lower PATCO net revenues. For 1974 and 1975, PATCO is considered as a break-even operation, based upon the 1972 to 1973 decline in net operating revenues, and the likelihood of at least a 10 percent fare increase.

Because a coverage in excess of 1.25 is deemed unreasonable, the amount collected by DRPA in excess of that reasonably needed must be viewed as being held in constructive trust for the benefit of the public. To determine otherwise would either require return of the excess to toll payers (a virtual impossibility) or permit unjust accumulation of surpluses by DRPA. The excess accumulations, therefore, will be applied to 1974 and 1975 revenue needs.

DRPA's net revenue needs to provide a 1.25 bond service coverage for 1974 and 1975 are calculated at Appendix D, and the 1972-1973 excess accumulations are applied to determine the total net revenue required. Appendix E depletes traffic volume projections. It is assumed that vehicle categories not included in Appendix E will remain at 1972 levels

² DRPA Exceptions, page 7, note 6: "... the Delaware River Port Authority does not seek a 'return' apart from sufficient coverage to support its financings. ..."

³ DRPA also sought substantial fare increases for PATCO, but the schedule was ordered cancelled by an Interstate Commerce Commission Administrative Law Judge (I&S Docket No. 8705), who recommended a 10 percent fare increase. DRPA has filed exceptions before the I.C.C.

⁴ Report and Recommended Order of the Hearing Examiner, served August 1, 1968, and Opinion of the Administrator issued September 11, 1968.

⁵ By the end of 1975, it is hoped that DRPA will have opened the two new bridges, or know when they will open.

⁶ It is recognized that DRPA is not solely responsible for these delays, but they have in fact occurred, and the public must contribute the cost of servicing the bonds issued to build them.

(projected to 12-month basis from April 1-December 31 figures to compensate for toll increase).

Based on this evidence, a reasonable and just toll schedule has been determined, and is set forth in Appendix F, together with calculations showing the projected return for 1974 and 1975 to DRPA under that schedule. That toll schedule, had it been adopted by DRPA on April 1, 1972, would have been just and reasonable. There is not any evidence demonstrating that the toll levels for trucks (in excess of 7,000 pounds) or charges for special permits are either unjust or unreasonable, and their present levels will be maintained. Motorcycles, however, should not be charged more than automobiles, and this modification should not have any measurable effect upon revenues.

Because DRPA has instituted a commuter toll system which discourages car pools, by requiring a single vehicle to be used for an entire calendar month, the commuter toll rate will remain unchanged. The regular automobile toll is reduced to 50 cents to make car pooling more attractive to area residents, and to provide relief to those who must drive, but less frequently than commuters. The Administrator takes notice of the fact that this is the same rate charged for passage over the Delaware Memorial Bridge and the George Washington Bridge, which are similar structures. Reduction of bus tolls to 50 cents per axle should postpone to some extent the date when the bus operators would need to seek further fare increases.

It should be noted that in addition to the .05 coverage permitted in excess of that absolutely necessary, surpluses over the 1.25 coverage factor should occur during 1974 and 1975, and these too will be available to DRPA for any unforeseen, properly chargeable expenses, such as the rental of toll-collecting machines. The presence of surpluses also provides a "cushion" against the possibility of traffic volume changes.

DRPA's solvency is evident in Appendix G, which shows surplus accumulations and commitments outstanding.

The Construction Fund, which will generate approximately 3 million dollars in interest during 1973, has a surplus of more than 18 million dollars in excess of commitments, and the General Fund, which will receive about \$900,000 in interest during 1973, has a 3.7 million dollar surplus in the unrestricted account after provision for commitments.

The tolls prescribed herein, as fully set forth in Appendix H, are sufficient to support continued operation of all DRPA functions through at least 1975. In accordance with section 503 of the General Bridge Act of 1946, they shall be the legal rates demanded and received for transit over all DRPA bridges unless and until the Administrator orders otherwise.

The Administrator has considered the potential increase in commuter car pool-

ing which could occur through lowering of the toll for a multi-automobile car pool, and the reduction of bus tolls to forestall an early fare increase, and has considered the facts that traffic volume increased over the bridges despite the toll increase, and the City of Philadelphia apparently does not view the toll level as germane to its Clean Air Plans. Based upon these factors, the Administrator concludes that this is not a Federal action "significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act of 1969. In this connection it is noteworthy that although this proceeding was highly publicized, and the City of Philadelphia has been a major participant, there has not been any relevant evidence submitted bearing upon any potential environmental impact which might result from toll modification.

The toll schedule specified will become effective at 12:01 a.m., January 1, 1974. That date has been selected to permit sufficient time for parties to seek reconsideration or review of this Order, and to permit the allocation of prior surpluses to future years in a rational manner.

The Administrator finds that the toll schedule adopted by the Delaware River Port Authority on April 1, 1972, is not just an reasonable; that the toll schedule set forth in Appendix H is just and reasonable; that the April 1, 1972, toll schedule is ordered cancelled effective 12:01 a.m., January 1, 1974; and that the rates of toll set forth in Appendix H to this Order shall become effective 12:01 a.m., January 1, 1974, and shall be the legal rates demanded and received for transit over all bridges operated by the Delaware River Port Authority, unless and until the Administrator orders otherwise.

Within 20 days after the date of service of this Order, any party may petition the Administrator for reconsideration of this Order. The filing of a petition for reconsideration does not stay the effectiveness of this Order unless the Administrator so orders.

Issued in Washington, D.C., this 5th day of November 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

APPENDIX C

BOND SERVICE COVERAGE CALCULATION

	Net revenue available for bond service	Bond service requirements ¹	Coverage	Net revenue needed for coverage ratio of 1.25	Excess revenue accumulated
1972.....	\$23,966,443	\$17,064,995	1.41	\$21,356,244	\$2,640,198
1973.....	\$26,898,819	18,885,000	1.42	23,606,250	3,292,569

¹ From Appendix A.

² From Appendix B.

³ DRPA Exhibit 7, page 24, less unissued "Subsequent Issue".

APPENDIX A

CALCULATION OF NET OPERATING REVENUE 1973

Walt Whitman and Benjamin Franklin Bridges	
CPA Report, Schedule 6	
Tolls	\$29,235,484
O&M	6,727,851
Net operating revenue—bridges	22,507,633
Patco operating revenue	
CPA Report, Schedule 7	
Fare revenue	6,025,374
Operating Expenses	5,328,729
	696,645
Interest	
DRPA December 31, 1972, Balance Sheet—Note 4	
Revenue Fund	355,741
Bond Service Fund	336,765
Bond Reserve Fund	1,430,895
	\$2,123,401
Total net revenue	\$25,327,679

Administrative Expenses	
CPA report, statement of revenues and expenses	
	1,331,237
Net revenue available for bond service	\$23,996,442

APPENDIX B

CALCULATION OF NET OPERATING REVENUE 1973¹

Net operating revenue—bridges	\$25,009,927
Net operating revenue—PATCO	409,524
Interest on revenue, bond service and bond reserve funds	3,131,888
Total net revenues	\$28,551,339
Administrative expenses	1,652,520

Net revenue available for bond service	\$26,898,819
--	--------------

¹ Methodology—Tolls and O&M: First 8 months of 1973, actual income and expense figures from DRPA Financial Statements as of August 31, 1973. To this is added 1972 last 4 month figures derived by subtracting August 31, 1972, figures from December 31, 1972, figures.

Interest and Admin.: First 8 month actual figures projected to 12 month period.

APPENDIX D

REVENUE NEEDS FOR 1974-1975 TO ACHIEVE 1.25 COVERAGE

	Bond service requirements ¹	Net revenue required for 1.25 coverage	Less excess accumulation	Total net revenue required
1974.....	\$19,885,000	\$24,856,250	\$2,640,198	\$22,216,052
1975.....	20,961,000	26,201,250	3,292,669	22,908,581

¹ DRPA Exhibit 7, page 24, less unissued "Subsequent Issue".² From 1972, see Appendix C.³ From 1973, see Appendix C.

APPENDIX E

TRAFFIC PROJECTIONS

WALT WHITMAN AND BEN FRANKLIN BRIDGES

	Regular auto	Commuter	Bus-2 axle	Bus-3 axle
1973.....	33,613,133	14,768,935	491,664	31,764
1974.....	34,957,688	15,350,692	491,664	31,764
1975.....	36,355,964	15,974,080	491,664	31,764

¹ April-December 31, 1972, projected to annual basis +4% increase in volume for 1973.² Four percent increase as shown by DRPA August 31, 1973, financial statements.³ Assume 1972 projected figures without annual increase.

APPENDIX F

CALCULATION OF TOLLS TO ACHIEVE REQUIRED 1974-1975 REVENUES PROVIDING 1.25 COVERAGE

	Toll	1974	1975
Automobiles and light trucks ¹	\$0.50	\$17,478,829	\$18,177,982
Commuter ²	.35 ³	5,375,892	5,590,928
Bus 2-axle ¹	.50/axle	491,664	491,664
Bus 3-axle ¹	.50/axle	47,646	47,646
All other.....	(?)	6,300,912	6,300,912
Operating revenue.....		29,694,943	30,609,132
O&M ⁴		7,530,914	7,967,707
Administrative ⁵		22,164,029	22,641,425
Interest ⁶		1,767,000	1,886,000
Total net revenue available for bond service.....		20,397,029	20,786,425
Total net revenue required for bond service at 1.25 coverage ⁷		3,000,000	3,000,000
Excess available for contingencies or application to future years.....		23,397,029	23,786,425
		22,216,052	22,908,581
		1,180,977	877,744

¹ Traffic volume from Appendix D.² April 1, 1972, commuter toll restrictions retained.³ April 1, 1972, toll rates maintained for trucks, trailers, motorcycles and special permits. Traffic volume assumed unchanged from last 9 months of 1972 (CPA report schedule 6), projected to 12-month basis.⁴ 5.8% annual increase over 1972 increase.⁵ DRPA Exhibit 7, page 23.⁶ Revenue, Bond Service and Bond Reserve Funds at approximately 1973 level.⁷ From Appendix E.

APPENDIX G

DRPA CONTRACTUAL COMMITMENTS AS OF AUGUST 31, 1973

	Revenue fund	Construction fund	General fund (unrestricted)
Assets (market value).....	\$14,969,123	\$36,072,406	\$4,630,510
Commitments.....	503,873	17,360,096	892,586

An additional \$4,875,000 has been committed for contribution to the States of New Jersey and Pennsylvania for Benjamin Franklin Bridge road connections.

APPENDIX H

RATES OF TOLL PRESCRIBED FOR TRANSIT OVER ALL BRIDGES OPERATED BY THE DELAWARE RIVER PORT AUTHORITY

Effective January 1, 1974

Passenger Cars and Light Trucks:

Cash.....	\$0.50.
Commuter 40-trip ¹	.35.
Trucks.....	.75 per axle. ²
Motorcycles.....	.50
Automobile and Trailer:	
1-axle trailer.....	.90.
2-axle trailer.....	1.20.
Buses.....	.50 per axle.
Special Permits ³	

¹ Subject to conditions and restrictions imposed as of August 31, 1973.² A 10 percent scrip discount will be offered.³ Charges will be those in effect August 31, 1973.

[FR Doc.73-24266 Filed 11-15-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. STN 50-454-50-457]

COMMONWEALTH EDISON CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Reports; Time for Submission of Views on Antitrust Matters

Commonwealth Edison Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application which was docketed on September 20, 1973, for authorization to construct and operate four pressurized water nuclear power reactors at its Byron and Braidwood sites. The application was tendered on February 28, 1973. Following a preliminary review for completeness, the application was rejected on April 11, 1973, for lack of sufficient information. The applicant submitted additional information on May 21, 1973. The Preliminary Safety Analysis Report was found to be acceptable for docketing; however, the Environmental Report was not acceptable. On August 16, 1973, the applicant filed additional environmental material, and the application was found to be acceptable for docketing. This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or a group of utilities. Docket Nos. STN 50-454 and STN 50-455 for Units 1 and 2, respectively, at the Byron site and STN 50-456 and STN 50-457 for Units 1 and 2, respectively, at the Braidwood site have been assigned to this application and should be referenced in any correspondence relating to it.

The Byron site is located on a rectangular shaped site about two miles east of the Rock River and approximately three miles southwest of Byron in Ogle County, north central Illinois. The Braidwood site is located in north central Illinois, near the town of Braidwood, in Will County, approximately 60 miles southwest of Chicago and 24 miles southwest of Joliet.

Each of the proposed nuclear units, designated by the applicant as the Byron Station, Units 1 and 2, and the Braidwood Station, Units 1 and 2, are designed for initial operation at approximately 3425 megawatts thermal with a net electrical output of approximately 1,120 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 matters of the application presented to the Attorney General for consideration should 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 December 26, 1973. The request should be filed in connection with Docket Nos. STN 50-454-A, STN 50-455-A, STN 50-456-A, and STN 50-457-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, at the Byron Public Library, 3rd and Washington Streets, Byron, Illinois 61010, and at the Wilmington Township Public Library, 201 South Kankakee Street, Wilmington, Illinois 60481.

Commonwealth Edison 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, separate Environmental Reports for the Byron and Braidwood Stations. The reports, which discuss environmental considerations related to the proposed construction of the Byron and Braidwood Stations have been made available for public inspection at the aforementioned locations, and are also being made available at the Northeastern Illinois Planning Commission, 400 W. Madison Street, Chicago, Illinois, at the Office of Planning and Analysis, Executive Office of the Governor, Room 614, State Office Building, Springfield, Illinois 62706, and at the Kankakee County Regional Planning Commission, 291 S. Harrison, Kankakee, Illinois 60901.

After the Environmental Reports have been analyzed by the Commission's Director of Regulation or his designee, draft environmental statements related to the proposed action will be prepared by the Commission. Upon preparation of the draft environmental statements, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statements. The summary notice will request comments from interested persons on the proposed action and on the draft statements. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare final environmental statements, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 11th day of October 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc. 73-22742 Filed 10-25-73; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24488; Order 73-11-38]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare Matters

Issued under delegated authority, November 9, 1973, an agreement has been

filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, has been assigned the above-designated C.A.B. agreement number, and was adopted at the Special 53rd Meeting of Traffic Conference 1 in Monaco on October 6, 1973, for expedited effectiveness on December 1, 1973.

Agreement CAB	IATA No.	Title	Application
24025: R-1 R-2	075a 0844	TCI Advance Purchase Travel Group Fares (USA-Mexico) (Amending)...	1
		TCI Group Inclusive Tour Fare (Canada-Mexico) (Amending).....	1

Accordingly, it is ordered, That: Agreement C.A.B. 24025, R-1 and R-2, be and hereby is approved subject, where applicable, to conditions previously imposed by the Board.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 73-24500 Filed 11-15-73; 8:45 am]

[Docket 24488; Order 73-11-35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare Matters

Issued under delegated authority November 9, 1973, an agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote for intended November 20, 1973 effectiveness, has been assigned the above-designated C.A.B. agreement number.

The agreement would amend an existing resolution governing South Pacific 23 and 30 Day Excursion Fares in order to permit combinability with fares within Traffic Conference 3 as well as within Traffic Conference 1.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolution, incorporated in

The agreement would extend the effectiveness of the: (1) TCI Advance Purchase Travel Group Fares (USA-Mexico); and (2) TCI Group Inclusive Tour Fare (Canada-Mexico) to March 31, 1974.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions, which are incorporated in Agreement C.A.B. 24025, R-1 and R-2, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board.

Agreement C.A.B. 24026 is adverse to the public interest or in violation of the Act:

JT31 (Mail 247) 070p

Accordingly, it is ordered, That: Agreement C.A.B. 24026 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 73-24499 Filed 11-15-73; 8:45 am]

[Docket No. 20472]

PHILADELPHIA-ROCHESTER/ SYRACUSE CASE

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference now scheduled for November 29, 1973 (38 FR 29640, October 26, 1973) is hereby postponed to December 3, 1973, at 10:00 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., November 12, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.

[FR Doc. 73-24498 Filed 11-15-73; 8:45 am]

FEDERAL MARITIME COMMISSION PACIFIC COAST RIVER PLATE BRAZIL CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Executive Administrator, Pacific Coast River Plate Brazil Conference—Section "A", 417 Montgomery Street, San Francisco, Calif., 94104.

Agreement No. 6400-17 will restructure the Pacific Coast River Plate Brazil Conference's organization by providing for the establishment of a new section "C", with authority to establish rates, rules, and regulations, applicable to cargo transported by Conference lines from Argentina, Uruguay, and Paraguay to Pacific Coast ports of the United States and Canada (River Plate trade). Section C will be headquartered in Buenos Aires. The Conference's geographic scope is not altered and only those lines active in the River Plate trade would be permitted to be members of section C.

By order of the Federal Maritime Commission.

Dated: November 13, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-24502 Filed 11-15-73; 8:45 am]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq., Billig, Sher & Jones, P. C., 1126 Sixteenth Street NW., Washington, D.C. 20036.

Agreement No. 9548-5, among the member lines of the above-named Conference, is a request for unlimited approval of Agreement No. 9548-4 which was approved on July 13, 1972, for a period of 18 months. Agreement No. 9548-4 modified the Conference's organic agreement to establish separate Rate Committees for France and Italy with the power to establish freight rates but not tariffs rules and regulations subject to certain limitations.

By order of the Federal Maritime Commission.

Dated: November 13, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-24503 Filed 11-15-73; 8:45 am]

[Agreement No. DC-63]

TMT TRAILER FERRY, INC. AND LINK LINES, LTD.

Notice of Agreement Filed; Correction

FR Doc. 73-24140 which appeared on page 31339 on Tuesday, November 13, 1973, concerning Agreement No. DC-63, is corrected by deletion of all references to TMT Trailer Ferry, Inc. (TTT), and insertion of TMT Trailer Ferry, Inc. (TMT), in lieu thereof.

By Order of the Federal Maritime Commission.

Dated: November 14, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-24593 Filed 11-15-73; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-112]

ALGONQUIN GAS TRANSMISSION CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

NOVEMBER 9, 1973.

On October 18, 1973, Staff Counsel filed a motion for an extension of the procedural dates as fixed by order issued August 1, 1973, in the above-designated matter. The motion states that all parties concur in the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Evidence with the Exception of Depreciation, February 12, 1974.

Service of Staff's Depreciation Evidence, March 12, 1974.

Service of Interveners' Evidence, March 26, 1974.

Service of Rebuttal Evidence, April 23, 1974.

Prehearing Conference, April 30, 1974 (10:00 a.m.).

Hearing, May 1, 1974 (10:00 a.m.).

MARY B. KIDD,
Secretary.

[FR Doc. 73-24457 Filed 11-15-73; 8:45 am]

[Docket No. RP73-96]

CARNEGIE NATURAL GAS CO.

Order Accepting Rate Increase Filing and Permitting Rates Increase To Become Effective With a Condition

NOVEMBER 2, 1973.

On March 26, 1973, Carnegie Natural Gas Company (Carnegie) filed a petition for special relief to permit a 7.5¢ per Mcf increase in rate for the sale of gas produced in the Mingo-Logan Area of West Virginia. The total proposed rate of 33.5¢ per Mcf exceeds the area rate for the South Appalachian area and would increase Carnegie's revenues by approximately \$26,000 annually effective January 1, 1973.

On April 25, 1973, the Commission's Secretary requested Carnegie comply with § 154.63 of the Commission's regulations by submitting Statement L through N, and requesting that Statement N be submitted on both a company-wide basis and for the Mingo-Logan area. On May 14, 1973, Carnegie requested waiver of the above filing requirements. By order issued August 29, 1973, we granted waiver of the requirements of § 154.63 of our regulations, however we did require complete cost, revenue and reserve data relative to Carnegie's sales to Consolidated Gas Supply Corporation (Consolidated) from its Mingo-Logan production area. Moreover, we informed Carnegie that no filing date would be assigned Carnegie's petition until such data was filed. On September 13, 1973, Carnegie filed the requested data which completes its filing.

In support of its petition for special relief, Carnegie states that Consolidated has agreed, subject to our approval, to pay it for the gathering and compression

costs incurred at a rate of 7.5 cents per Mcf delivered to Consolidated, in recognition of the additional cost of compression, the effect of inflation on the entire gathering system costs, and the need to continue to produce this area. While it is not required by the original service agreement with Consolidated to install a compressor for the Mingo-Logan facility, Carnegie asserts that the absence of a compressor would have reduced deliverable production in 1972 from 347,000 Mcf per year to 18,000 Mcf per year. Moreover, Carnegie avers that the necessity of a compressor to maintain 1973 levels is due to the line pressure of Consolidated's receiving pipeline facility and the reduced natural pressure of the productive wells. Carnegie believes that its total cost of compressing, gathering, and delivery is large enough to justify special consideration as set forth in the discussion portion of Opinion No. 411, particularly since it greatly exceeds the 1 to 3 cents per Mcf used as normal gathering costs therein.

Public notice of Carnegie's petition for special relief was issued April 19, 1973, which required that protests or petitions to intervene be filed on or before May 5, 1973. No such protests or petitions to intervene were received.

Our review of Carnegie's petition and supporting data¹ indicates that the proposed increase in rates is not excessive and, in light of the decline in supply of natural gas, entirely justified. Accordingly, Carnegie's proposed rates should be accepted for filing and approved without further proceedings to become effective without suspension on October 13, 1973. However, we shall condition our approval of the rate increase upon Carnegie's filing of an appropriate tariff sheet which reflects the revised rate in accordance with our Regulations.

Since the rate increase proposed by Carnegie is justified on a traditional pipeline cost of service analysis we need not reach the question of whether Carnegie's Petition for Special Relief is warranted.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission accept Carnegie's proposed rate increase as tendered on March 26, 1973, and supplemented on September 13, 1973, for filing, and to approve and make effective such increases October 13, 1973, without further proceedings as herein-after ordered.

The Commission orders: (A) Carnegie's proposed rate changes tendered for filing on March 26, 1973, and supplemented on September 13, 1973, are hereby accepted for filing, approved and made effective October 13, 1973, without further proceedings; *Provided*, That, Carnegie shall file an appropriate tariff sheet which reflects the revised rate in accordance with our Regulations within 30 days from the date of issuance of this order.

¹ Appendix A attached.

(B) The Secretary shall cause prompt publication of this order in the *FEDERAL REGISTER*.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

CARNEGIE NATURAL GAS COMPANY, MINGO-LOGAN
PRODUCTION, AREA STATEMENT OF INCOME AND
EXPENSE, 12 MONTHS ENDED DECEMBER 31,
1972

Particulars	Amount
Operating Revenue:	
Sales for resale to Consolidated	\$90,220
Rents	120
Total Operating Revenue	90,340
Operating Expenses	
Production expenses (Includes compression, gathering, royalties and delay rentals)	37,643
Administrative	15,588
Depreciation and depletion	67,764
Taxes other than income taxes	13,708
Federal income taxes	(15,643)
Deferred Federal income tax	341
15% of depreciated original cost rate base of \$549,276	82,391
Total Operating expenses	201,792
Deficiency	111,452

[FR Doc.73-24455 Filed 11-15-73;8:45 am]

[Docket No. G-19806]

COLTEXO CORP. Petition To Amend

NOVEMBER 9, 1973.

Take notice that on October 29, 1973, Coltexo Corporation (Coltexo), P.O. Box 300, Tulsa, Oklahoma 74102, filed in Docket No. G-19806 a petition to amend the Commission's order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket to Applicant by authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company (Transwestern) from the outlet of Coltexo's LeFlors Natural Gas Processing Plant in Gray County, Texas, all as more fully set forth in the petition to amend in this proceeding.

Coltexo seeks authorization to sell residue gas from the outlet of its LeFlors Plant to Transwestern at a rate of 45.0 cents per Mcf at 14.65 psia subject to upward and downward Btu adjustment. The residue gas is the product remaining after processing of "new gas" at the subject plant. By an amendment dated July 6, 1973, to a gas purchase contract dated November 25, 1958, the term "new gas" is defined as:

Gas produced by Coltexo and gas contracted by Coltexo, after January 1, 1973, that is produced from lands not covered by the 1958 agreement; gas produced from lands presently covered by the 1958 agreement from new reserves through completions made after January 1, 1973; and gas purchased by Coltexo and under Coltexo's producer to plant contracts which have been renewed, after the expiration thereof, or extended for an additional term subsequent to January 1, 1973.

Coltexo asserts that the amendment is an effort to obtain the renewal or extension of expired contracts and to supply incentive for further development by producers in the subject area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24458 Filed 11-15-73;8:45 am]

[Docket No. E-7681]

COMMONWEALTH EDISON CO. AND CENTRAL ILLINOIS LIGHT CO.

Order for Hearing To Consider Proposed
Sale and Purchase of Electric Facilities
and for Consolidation of Proceedings

NOVEMBER 9, 1973.

On November 18, 1971, Commonwealth Edison Company (Commonwealth) and Central Illinois Light Company (CILCO) filed, pursuant to Section 203(a) of the Federal Power Act, 16 U.S.C. section 824b(a), a joint application requesting authorization for the sale by Commonwealth and the purchase by CILCO of certain of Commonwealth's electrical properties located in the Lincoln, Homer, Bement and Albion, Illinois areas, for a price of \$24,000,000. On June 20, 1972, the Applicants filed an amendment to their application deleting the Albion properties from the proposed transaction and reducing the price for the remaining properties to \$22,000,000.¹

The properties proposed to be transferred are part of those acquired by Commonwealth in its merger with Central Illinois Electric and Gas Company (CIEG), as authorized by the Commission in Opinion No. 507, December 2, 1966, Docket No. E-7275. In Opinion No. 507 the Commission retained jurisdiction over the disposition of the downstate properties referred to in the paragraph above and required Commonwealth to show by a final report not later than

¹ Subsequent to the June 20, 1972, Amendment, Commonwealth and Central Illinois Public Service Company (CIPS) filed on October 18, 1972, a joint application with the Commission, pursuant to Section 203 of the Federal Power Act, seeking authorization for Commonwealth to sell and CIPS to purchase Commonwealth's electric facilities serving the Albion area. This application is pending in Docket No. E-7793.

December 1, 1969, why it should continue to own and operate the downstate properties. Interim reports were to be submitted in December of 1967 and 1968, outlining Commonwealth's plans for integrating or disposing of these properties. Subsequent orders of the Commission extended the date of the final report to July 15, 1971.

Commonwealth decided to dispose of the properties. In its report of July 15, 1971, Commonwealth stated that it had entered into a "Memorandum of Agreement," dated July 13, 1971, to sell the downstate properties to CILCO. On October 20, 1971, Commonwealth and CILCO executed a formal "Purchase and Sale Agreement" for sale of the downstate properties to CILCO.

The instant application, as first submitted, was a request for the Commission's authorization to implement the terms of the latter agreement. However, the proposed transaction raises several unresolved factual matters which necessitate the hearing that we order below. First, although the Lincoln area borders on the CILCO service area, the Homer and Bement areas are not contiguous to the CILCO service area. Furthermore, CILCO presently operates the gas properties in the Homer and Bement service areas. Consequently, we have before us the same unresolved issues with respect to which the Commission retained jurisdiction in approving the Commonwealth-CIEG merger in Docket No. E-7275. Those issues were:

Whether the operation of the merged facilities will be consistent with the public interest insofar as the merged company would own (1) noncontiguous electric properties and (2) both electric and gas properties (Commonwealth Edison Company 36 FPC 927, 942 (1966)).

The only difference in the present posture of these issues is that they are before us as a consequence of the proposed acquisition rather than as a consequence of merger.

When considering an application for the sale and purchase of jurisdictional facilities, the Commission's responsibility under section 203 of the Federal Power Act is to determine whether the proposed acquisition is "consistent with the public interest." Before the Commission can approve the application pending in Docket No. E-7681, it must be demonstrated that "the non-contiguous electric service areas to be acquired are capable of interconnection with . . . (CILCO's) system and that its joint operation of gas and electric properties will be beneficial to its customers." (Commonwealth Edison, 36 FPC 927, 943 (1966)). If these criteria are not satisfied, Applicant must as a minimum demonstrate that the benefits of the acquisition outweigh the non-beneficial aspects. In other words, the burden is on Applicant to affirmatively show that this proposed acquisition is consistent with the public interest (Pacific Power & Light Company v. Federal Power Commission, 111 F.2d 1014 (9th Cir. 1940)).

Section 203 was intended to protect the public against uneconomic realignment

of utility companies. The question of whether it is "consistent with the public interest" that CILCO expand to include non-contiguous electric service areas and to distribute natural gas to ultimate consumers in its own service area, requires consideration of numerous factors, several of which are: (a) Whether the proposed acquisition will impair reliability of service; (b) whether the acquisition would inherently diminish the potentiality for adequate service at the lowest reasonable rates; (c) fairness of the purchase price; and, (d) whether there are indications that significant competition between the acquired system and the purchasing utility will be eliminated by the merger without compensating public benefits which otherwise are not likely of achievement (Citizens For Allegan County, Inc. v. Federal Power Commission, 414 F.2d 1125, 1130 (D.C. Cir., 1969)).

Furthermore, the Commission's responsibility under Section 203 of the Federal Power Act should be evaluated in light of the broader context of which Section 203 is a part, namely, the Public Utility Act of 1935,⁴ which is directed to curing abuses which had developed during the 1920's and early 1930's in the operation of public utilities (Western Light and Telephone Company, Inc., 33 FPC 1147, 1148 (1965)). Although this Commission's authority to approve acquisitions and mergers is broader than the concept of the "Integrated public utility system" which governs determinations of the Securities and Exchange Commission under the Public Utilities Holding Company Act,⁵ due consideration for the policy factors behind each of these Acts, that is the Federal Power Act and the Public Utilities Holding Company Act, will assist us in focusing on the unresolved issues in this docket. Among these is the question of whether the non-contiguous electric service areas, Homer and Bement, can be interconnected with the CILCO system in an efficient and economical manner. Furthermore, we must consider the problem of whether the absence of competition that would result from CILCO's operation of both the gas and the electric utilities serving the Homer and the Bement areas, is justified in view of substantial economies that would be lost in the absence of such joint operation.

We do not intend to imply that this demonstration cannot be made; on the contrary, we are simply saying that our resolution of these questions must be based upon record evidence. The burden is upon the applicants to demonstrate

⁴ 49 Stat. 803; by Title II of the Public Utility Act of 1935 (49 Stat. 803, 16 U.S.C. 791a-825r), the original Federal Power Act was made Part I of the "Federal Power Act" and Parts II and III were added to that Act.

⁵ Sections 9 and 11(b)(1) of the Public Utilities Holding Company Act, 15 U.S.C. 791 and 15 U.S.C. 79k, limit corporate expansion in the public utilities field in light of the "Integrated public utility concept," defined by section 2(a)(29)(A) of the Act, 15 U.S.C. 79b.

that operation of non-contiguous electric territories and of combined gas and electric facilities is consistent with the public interest. We are ordering a hearing for the purpose of affording applicants an opportunity to meet that burden.

Consolidation with Docket No. E-7681. Electric energy in the Homer and Bement areas is presently provided by the Illinois Power Company (IPC) pursuant to an interchange agreement with Commonwealth, effective April 1, 1966, and which will be cancelled upon approval of this proposed acquisition. Accordingly, CILCO and IPC have entered into a Facilities Use Agreement, dated June 16, 1972, and filed with the Commission on December 4, 1972, as part of Docket No. E-7869. Our approval of CILCO's acquisition of the Homer and Bement properties, Docket No. E-7681, is a condition to the effectiveness of the CILCO-IPC Facilities Use Agreement, Docket No. E-7869. This factual relationship makes consolidation of Docket No. E-7869 with E-7681 highly appropriate.

The Commission finds: (1) The Commission has jurisdiction over the proposed sale by Commonwealth and purchase by CILCO, pending in Docket No. E-7681, by virtue of its authority under section 203(a) of the Federal Power Act.

(2) A public hearing is necessary to determine whether or not the proposed transaction is consistent with the public interest as expressed in section 203(a) of the Federal Power Act.

(3) By virtue of its authority under section 202(b) of the Federal Power Act, 16 U.S.C. 824a(b), the Commission has jurisdiction over the proposed sale of electric energy that is the subject matter of the CILCO-IPC interchange agreement, approval of which is the subject matter of the proceedings in Docket No. E-7869.

(4) Approval of the proposed sale and purchase pending in Docket No. E-7681 is a condition to our approval of the Facilities Use Agreement between CILCO and IPC, now pending in Docket No. E-7869.

(5) Because of the close factual relationship noted in paragraph (4) above, the matters pending in Docket No. E-7869 should be consolidated with and made a part of Docket No. E-7681.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly sections 203(a) and 308(a), 16 U.S.C. 824b(a) and 825g(a), and § 1.20(a) of the Commission's rules of Practice and Procedure, 18 CFR § 1.20(a), an evidentiary hearing is hereby required, commencing with a pre-hearing conference on December 18, 1973, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, Northeast, Washington, D.C. 20426, to determine hereby required, commencing with a pre-hearing conference on December 18, 1973, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, Northeast, Washington, D.C. 20426, to determine whether the proposed acquisition pending in Docket No. E-7681 is consistent with the public interest, as that term is expressed in section 203(a) of the Federal Power Act.

(B) Pursuant to § 1.20(b) of the Commission's rules of practice and procedure, 18 CFR § 1.20(b), those matters now pending in Docket No. E-7869 are hereby consolidated with and made a part of Docket No. E-7681.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24454 Filed 11-15-73;8:45 am]

[Docket No. RP73-115, et al.]

CONSOLIDATED GAS SUPPLY CORP.

Notice Deferring Hearing

NOVEMBER 9, 1973.

On November 8, 1973, Staff Counsel filed a motion for an extension of time and request for order. A notice was issued October 31, 1973, postponing the hearing from November 6, 1973, to November 14, 1973, at the request of Consolidated Gas Supply Corporation.

Upon consideration, notice is hereby given that the hearing scheduled for November 14, 1973, is deferred pending further order of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24459 Filed 11-15-73;8:45 am]

[Docket No. E-7769]

DELMARVA POWER AND LIGHT CO.

Notice of Certification of Settlement

NOVEMBER 9, 1973.

Take notice that on October 26, 1973, the Presiding Administrative Law Judge in the above-captioned proceeding certified to the Commission a stipulation and agreement of settlement filed by Delmarva Power and Light Company (Delmarva) and agreed to by all parties. The agreement is intended to resolve all issues in the proceeding. Delmarva proposes an effective date of March 1, 1973, for the Settlement agreement, the date the rates became effective subject to refund.

Under the proposed settlement, the increased charges presently in effect subject to refund are reduced in the aggregate amount of \$170,000 based on 1972 revenues.

Copies of this filing are on file with the Commission and are available for public inspection. Any person desiring to comment upon the settlement offer should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before November 23, 1973.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24460 Filed 11-15-73;8:45 am]

[Docket No. E-8448]

DUKE POWER CO.

Notice of Application

NOVEMBER 9, 1973.

Take notice that on October 19, 1973, Duke Power Company (Applicant) ten-

dered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, a supplemental Exhibit A-4 dated July 2, 1973, to the Electric Power Contract with Blue Ridge Electric Membership Corporation (Blue Ridge), designated Rate Schedule FPC No. 131. Exhibit A-4 provides for a third delivery at No. 4 delivery point, necessitating Applicant's installation of one additional 115kV, 1600 amp, 10,000MVA oil circuit breaker at a cost of \$53,709. The Extra Facilities charge to Blue Ridge therefore totals \$913.05 per month, to take effect November 20, 1973.

Any person desiring to be heard or to make any protest with reference to such Application should, on or before November 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24461 Filed 11-15-73;8:45 am]

[Docket No. E-8170]

GEORGIA POWER CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

NOVEMBER 8, 1973.

On October 15, 1973, The Power Section, Georgia Municipal Association and the Cities of Acworth, et al. (Cities), filed a motion for an extension of time for filing prepared testimony and exhibits and an adjustment of the other procedural dates fixed by order issued July 12, 1973, in the above-designated matter.

On October 19, 1973, Staff Counsel also filed a motion requesting an extension of the procedural dates. The motion states that no party objects to its motion nor does Staff object to the motion of Cities.

On October 29, 1973, Georgia Power Company filed a response to the above motions by Cities and Staff. The response of Georgia Power Company urges approval of Staff Counsel's motion but requests that December 4, 1973, be retained as a hearing date for commencement of cross-examination on the issues concerning rate of return and the impact of the WR-6 rate on Georgia Power's operations during 1971.

On November 1, 1973, Staff Counsel and Cities, respectively, filed responses opposing the request of Georgia Power Company.

Upon consideration, notice is hereby given that the request of Georgia Power

Company is denied and the procedural dates are modified as follows:

Staff's Evidence, November 27, 1973.
Intervenor's Evidence, December 11, 1973.
Company's Rebuttal Evidence, December 27, 1973.
Prehearing Conference, January 7, 1974 (10:00 a.m., EST).
Hearing Date, January 8, 1974 (10:00 a.m., EST).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24462 Filed 11-15-73;8:45 am]

[Docket No. E-8055]

IDAHO POWER CO.

Notice Deferring Procedural Dates

NOVEMBER 8, 1973.

On June 22, 1973, an order was issued fixing a hearing in the above-designated matter. On October 9, 1973, Idaho Power Company filed a Stipulation and Agreement.

Upon consideration, notice is hereby given that the procedural dates in the above matter are deferred pending further order of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24463 Filed 11-15-73;8:45 am]

[Docket No. E-7468]

ILLINOIS POWER CO.

Notice of Third Supplemental Application

NOVEMBER 9, 1973.

Take notice that on November 6, 1973, Illinois Power Company (Applicant) filed a third supplement to its application in Docket No. E-7468 seeking a supplemental order pursuant to section 204 of the Federal Power Act authorizing the extension of the final maturity date on the short-term notes that may be issued by Applicant to December 31, 1975, from that previously authorized by the supplemental order of the Commission issued January 12, 1973, in Docket No. E-7468.

Applicant is incorporated under the laws of the State of Illinois and operates as an electric and gas public utility therein. The notes proposed to be issued pursuant to this Third Supplemental Application will be unsecured promissory notes with maturity dates not more than 360 days after their respective dates of issue, and in any event will be payable on or before December 31, 1975. The notes will be issued in an aggregate principal amount of not to exceed \$125,000,000 outstanding at any one time, either to (1) commercial banks under the provisions of revolving credit agreements or otherwise, (2) commercial paper dealers, or (3) regular purchasers of commercial paper for their own account. With respect to such of the notes as are issued to commercial banks, the interests rate applicable to the notes shall be at the prime commercial rate of the Continental Illinois National Bank and Trust Company of Chicago in effect on the date of each borrowing and adjusted to the prime commercial rate in effect and the first date of each calendar quarter thereafter,

and with respect to such notes as are issued to commercial paper dealers or to regular purchasers of commercial paper for their own account, the interest rate applicable to the notes will be the market rate (or discount rate) on the date of issuance for commercial paper of comparable quality and of the particular maturity sold.

The net proceeds from the issuance of the notes will be added to working capital for ultimate application toward the cost of gross additions to utility properties and/or to reimburse Applicant's treasury for construction expenditures. Applicant's construction program, as now scheduled calls for expenditures of approximately \$764,000,000 for the five-year period of 1973-77.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 3, 1973. Protests will be considered by the Commission 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 must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24464 Filed 11-15-73;8:45 am]

[Docket No. CI74-44]

MOBIL OIL CORP.

Notice Deferring Procedural Dates

NOVEMBER 8, 1973.

On October 26, 1973, an order was issued fixing a hearing in the above-designated matter. On November 2, 1973, Mobil Oil Corporation filed an amendment to its application for a certificate.

Notice is hereby given that the procedural dates in the above matter are deferred pending further order of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24465 Filed 11-15-73;8:45 am]

[Docket No. E-7867]

OHIO POWER CO.

Notice of Further Extension of Time and Postponement of Hearing

NOVEMBER 9, 1973.

On October 9, 1973, Allied Chemical Corporation, Blaw Knox Company, Mobay Chemical Company, and the Triangle Conduit & Cable Company (Allied, et al.), filed a motion for a further extension of the procedural dates fixed by notice issued September 11, 1973, in the above-designated matter.

On October 11, 1973, Allied, et al., filed an application for a subpoena for the production of documentary evidence.

On October 31, 1973, a notice was issued deferring action on the procedural dates pending disposition of the application for a subpoena. The prehearing conference was held as scheduled on November 6, 1973.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Testimony and Exhibits by Interveners, January 9, 1974.

Rebuttal Evidence by Ohio Power Company, January 23, 1974.

Cross-Examination, January 30, 1974 (10:00 a.m., e.s.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24466 Filed 11-15-73;8:45 am]

[Docket No. E-8435]

PENNSYLVANIA ELECTRIC CO.

Order Accepting Proposed Rate Schedule for Filing and Permitting It To Become Effective Subject to Refund

NOVEMBER 9, 1973.

On October 5, 1973, Pennsylvania Electric Company (Penelec) tendered for filing as a rate schedule in the above docket a proposed contract with Allegheny Electric Cooperative (Allegheny) for wheeling and partial requirement services to Allegheny associated with an allotment of power to Allegheny by the Power Authority of the State of New York (PASNY). Penelec requests that the proposed contract be permitted to become effective on November 10, 1973.

The present contract is intended to replace the existing contract between the parties which expires on November 9, 1973. The present contract is identical to that submitted as a part of a proposed settlement between Penelec and Allegheny in Docket No. E-7718. In the

event the Commission rejects the settlement agreement and fixes lower rates in Docket No. E-7718 than are provided in the proposed contract, Penelec agrees to refund with interest any amounts collected subsequent to November 10, 1973, in excess of the rates fixed by the Commission. In order that there be on file a contract governing the service in question, it appears that the proposed contract herein should be accepted for filing and permitted to become effective on November 10, 1973, pending action by the Commission on the pending settlement proposal in Docket No. E-7718, and subject to refund of all amounts, if any, found not justified in Docket No. E-7718.

Penelec requests waiver of the applicable provisions under § 35.13 of the Commission's regulations requiring the submission of certain specified cost-of-service data inasmuch as the required data has been previously filed in Docket No. E-7718. The prior filing in Docket No. E-7718 constitutes good cause for waiver of the otherwise applicable regulations herein.

The Commission orders: (A) The wheeling and supplemental power agreement filed herein by Penelec on October 5, 1973, is accepted for filing and permitted to become effective on November 10, 1973, subject to refund. Formal rate schedule designations of the agreement and related exhibits are shown on Appendix A hereto.

(B) Penelec's request for waiver of the Commission's filing requirements is granted.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

KENNETH F. PLUMS,
Secretary.

APPENDIX A

PENNSYLVANIA ELECTRIC COMPANY

Filed: October 5, 1973.

Effective: November 10, 1973.

Other Party: Allegheny Electric Cooperative, Inc.

Instrument

Wheeling and Supplemental Power Agreement (undated).

Exhibit A, Delivery Points.....

Exhibit B, Rate for Supplemental Power and Energy.

Exhibit B-1, Fuel Adjustment Clause.....

Exhibit C, Rate for Wheeling.....

Designation

Rate Schedule FPC No. 70 (Supersedes Rate Schedule FPC No. 46 as supplemented).

Supplement No. 1 to Rate Schedule FPC No. 70.

Supplement No. 2 to Rate Schedule FPC No. 70.

Supplement No. 3 to Rate Schedule FPC No. 70.

Supplement No. 4 to Rate Schedule FPC No. 70.

[FR Doc.73-24456 Filed 11-15-73;8:45 am]

[Docket No. CI74-272]

PENNZOIL PRODUCING CO.

Application Pursuant to § 2.75 of the Commission's General Policy and Interpretations

NOVEMBER 9, 1973.

Take notice that on October 19, 1973, Pennzoil Producing Company (Applicant), 900 Southwest Tower, Houston, Texas 77002, filed in Docket No. CI74-272 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and

interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Company (Trunkline) from the East Edinburg and San Carlos Fields, Hidalgo County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell gas to Trunkline from the said fields produced

from wells commenced after August 1, 1973, on lands and leases subject to the contract between Applicant and Trunkline dated February 9, 1955, as amended September 6, 1973, which is on file with the Commission as Pennzoil's FPC Gas Rate Schedule No. 70.¹ Applicant proposes an initial rate of 45.1688 cents per Mcf at 14.65 psia, subject to downward Btu adjustment, with reimbursement for 75 percent of all increased taxes and annual price escalations of 2.0 cents per Mcf. Applicant also requests pre-granted abandonment authorization for the subject sale which has a contract term extending to January 1, 1981.

Applicant asserts that the proposed sale of gas will assist it in assuring that Trunkline and its customers will have an adequate supply of gas to meet the demands of Trunkline's customers. Applicant believes that the initial price and specified periodic increases thereof were reasonable at the time of the amendment which was entered by the parties, and that recently negotiated intrastate contracts in the Texas Gulf Coast, Southern Louisiana and in other areas contain even higher prices.

Applicant believes that the assurance of this long-term supply of gas produced domestically and delivered at the aforesaid prices is extremely beneficial to consumers faced with the prospect of paying in excess of \$1.00 (initial price) for gas imported from countries with uncertain political futures or transported over long distances from Alaska.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

¹ The related certificate authorization was granted in Docket No. G-13633.

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.73-24467 Filed 11-15-73; 8:45 am]

[Docket No. E-8460]

SAN DIEGO GAS & ELECTRIC CO.

Notice of Application

NOVEMBER 9, 1973.

Take notice that on October 29, 1973, San Diego Gas & Electric Company (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, a June 22, 1971, Supplement No.3 to an Interchange and Boundary Agreement with the Imperial Irrigation District, filed September 21, 1967, and designated Rate Schedule FPC No. 14. Supplement No. 3 extends the initial 25-year term of the Schedule for an additional 25 years from the effective date of Supplement No. 3.

The terms of the initial Agreement which remain unchanged provide for mutual emergency assistance conditioned upon the supplier's possession or purchase of available requisite generating and transmission capacity, the charge therefore to be supplier's cost plus 15 percent.

Any person wishing to be heard or to make any protest with reference to such Application should, on or before December 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24468 Filed 11-15-73; 8:45 am]

[Docket No. RP74-24]

TENNESSEE GAS PIPELINE CO.

Notice Postponing Hearing

NOVEMBER 9, 1973.

On October 30, 1973, an order was issued rejecting substitute tariff sheet, suspending proposed tariff sheets and fixing a conference for November 26, 1973, in the above-designated matter.

On November 6, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. requested that the staff conference be deferred for one day.

Upon consideration, notice is hereby given that the conference is postponed to November 27, 1973, at 10:00 a.m. (e.s.t.) in a room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24469 Filed 11-15-73; 8:45 am]

[Docket No. RP74-35]

UNITED NATURAL GAS CO.

Proposed Change in Rates and Charges

NOVEMBER 9, 1973.

Take notice that United Natural Gas Company (United) on October 26, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1 to be effective on December 11, 1973, consisting of the following tariff sheets:

Third Revised Sheet No. 1
Original Sheet No. 3-A
Thirty-Second Revised Sheet No. 4
Thirty-Fourth Revised Sheet No. 5
Second Revised Sheet No. 16-A
Original Sheet Nos. 16-B, 16-C, and 16-D

The proposed changes would increase revenues from jurisdictional sales by \$816,193 based on the test period (The twelve months ended July 31, 1973, adjusted for known changes through April 30, 1973) and provide a Purchase Gas Adjustment (PGA) Clause which United states is in conformity with Commission Order Nos. 452 and 452-A issued in Docket No. R-406.

United states that the increased rates are the result of increased costs in the past year, particularly cost of gas. Rate of Return claimed by United is 8.38 percent on original cost rate base at July 31, 1973, adjusted.

United states that although the PGA provides for a 45-day notice period, it may be necessary to ask for a shorter period in the future, since it is a second and third tier pipeline.

Copies of the filing have been served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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.73-24470 Filed 11-15-73; 8:45 am]

[Docket No. E-8455]

VIRGINIA ELECTRIC AND POWER CO.
Notice of Application

NOVEMBER 9, 1973.

Take notice that on October 24, 1973, Virginia Electric and Power Company (Applicant) tendered for filing pursuant to Part 35 of the Commission's regulations, a September 21, 1973, supplement to a service contract with Northern Piedmont Electric Cooperative.

The Supplement establishes a new delivery point designated Rixley in Culpeper County, Virginia, to become effective upon the date of connection of facilities in December, 1973.

Any person wishing to be heard or to make any protest with reference to such Application should, on or before December 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24471 Filed 11-15-73;8:45 am]

[Docket No. E-8461]

WASHINGTON WATER POWER CO.
Notice of Application

NOVEMBER 9, 1973.

Take notice that on October 29, 1973, the Washington Water Power Company (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, an August 10, 1973 Exchange Agreement with Bonneville Power Administration, which cancels and supersedes Applicant's Rate Schedule FPC No. 40 and supplements Nos. 27, 29 and 37 thereto. The new exchange agreement serves to continue the long standing exchange arrangements with Bonneville which expired by the terms of Rate Schedule No. 40, as amended, August 31, 1973. The new Agreement similarly provides for: (1) Points of interconnection between the parties respective transmission systems, (2) an energy exchange account, (3) exchange of energy between the parties, (4) emergency and breakdown relief, and (5) accounting for kWh credits due either party.

It is requested that the Exchange Agreement take retroactive effect August 10, 1973.

Any person wishing to be heard or to make any protest with reference to such

Application should, on or before December 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24472 Filed 11-15-73;8:45 am]

PANHANDLE EASTERN PIPE LINE CO.
Notice of Petitions for Extraordinary Relief

NOVEMBER 9, 1973.

On October 1, 1973, Panhandle Eastern Pipe Line Co. (Panhandle) filed revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, setting forth curtailment procedures to be operative during periods of curtailed deliveries on Panhandle's system. Panhandle stated that, if the Commission does not extend the effectiveness of the then operative interim curtailment procedures, which expired October 31, 1973, until the completion of the proceeding in Docket No. RP71-119, the proposed tariff sheets are proposed to be effective on November 1, 1973. By the order issued November 6, 1973, in Docket No. RP71-119 (50 FPC ____), the Commission denied Panhandle's motion for extension of the effective interim curtailment plan and accepted the October 1, 1973, revised tariff sheets and made them effective as of November 1, 1973, to remain in effect until further order of the Commission in Docket No. RP71-119.

Take notice that on various dates in October 1973, the above-captioned communities and companies, filed with the Commission a variety of exceptions, protests, comments, petitions, and requests with respect to Panhandle's system. We shall consider them as such and designate docket numbers for each as set forth in the caption of this notice.

Bowling Green Gas Co., the City of Bushnell, the City of Pittsfield, and the Village of Morton, request exemption of small utility customers from Panhandle's monthly overrun penalty charge.

Southeastern Michigan Gas Co. alleges that the revised tariff sheets result in the taking from Southeastern of

base period volumes which the other parties in Docket No. RP71-119 have, in the previous interim curtailment program, recognized as justified and equitable. Southeastern requests rejection of such revised tariff sheets and the extension of the interim curtailment procedures beyond October 31, 1973. In the event that such revised tariff sheets are accepted for filing, Southeastern requests that Panhandle be directed to compute Southeastern's base period volume in accordance with the revised verified data attached to its filing and consistent with its position on the record in Docket No. RP71-119 with respect to its base period volume; or, that Panhandle be directed to compute Southeastern's base period volume and the base period volumes of all customers in a manner consistent with the provisions of Article V of the Stipulation and Agreement, dated May 8, 1972, in Docket No. RP71-119.

E. I. du Pont de Nemours and Co. requests that Panhandle be directed to deliver 480 Mcf of gas per day to the Newport, Indiana, Army Ammunition Plant beginning November 1, 1973, and until such time as du Pont's petition has been acted upon and thereafter continuing such relief in order that du Pont may continue production, except on days when Panhandle imposes curtailments on higher priority uses, and on condition that none of such gas so delivered shall be used for other than pollution abatement requirements.

Missouri Refractories request, in view of the anticipated injury to their plants, the forced unemployment and economic hardship to local communities which would follow from a reduction or a shut down of their plants, and the consequent adverse effect upon various industries dependent on their plants for refractory products, that Panhandle be directed to deliver during the period November 1973 through April 1974, the minimum volumes of gas needed to maintain plant production on the assumption that these plants will be able to acquire the alternate fuel oil volumes which they purchased in 1972.

Central Illinois Public Service Co. requests a temporary variance in the application of (a) section 16, "Curtailment and Interruption," of the general terms and conditions of Panhandle's existing FPC Gas Tariff, Original Volume No. 1, and (b) any curtailment by Panhandle that may subsequently become effective to Central Illinois' purchases from Panhandle which will permit a carry-over of Central Illinois' nonused curtailed contract volumes of natural gas, if any, which may occur in the months of October, November, and December of 1973, so that such nonused curtailed volumes can and shall be made available by Panhandle to Central Illinois in the months of November and December of 1973 and January of 1974, or in such of said months as natural gas for such purposes is required for distribution by Central Illinois to its grain drying customers and Central Illinois is without available nat-

¹ A. P. Green Refractories Co., C-E Refractories Corporation, Harbison-Walker Refractories Co., a Div. of Dresser Industries, Inc., Kaiser Aluminum & Chemical Corp., North American Refractories Co., a Div. of Eltra Corp., and Wellsville Fire Brick Company.

ural gas to otherwise provide natural gas to its grain drying customers out of its entitlement under the applicable curtailment provisions of Panhandle then in effect.

Westfield Gas Corp. states that Panhandle's revised tariff sheets including small general service companies, formerly excluded in the prior plan, will result in either Westfield's having to discontinue service to some of its present Category Number 1 customers or in Westfield's having to pay " * * * such horrendous penalties that we could no longer stay in business." Accordingly, Westfield requests relief and exemption from the inclusion of small general service companies in the curtailment plan.

Marblehead Lime Co. states that due to recent curtailments it is ceasing operation of its Marblehead, Illinois, plant and that employees there and at its Hannibal, Missouri, plant have been served notice of termination of their employment. Additionally, Marblehead states that its Quincy operation is being curtailed to the point that it may also require a complete shutdown. Marblehead alleges that it has made every attempt to obtain a replacement fuel such as propane, but that propane is not available and that oil in a sufficient supply is not available at a price necessary to remain competitive in the lime market. Under these circumstances, Marblehead requests extra consideration in Panhandle's curtailment plans.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petitions should on or before November 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The notices and petitions for intervention previously filed in Docket No. RP71-119 will not operate to make those parties interveners or protestants with respect to the instant petitions. 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc. 73-24452 Filed 11-15-73; 8:45 am]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CITY CORP.

Order Approving Acquisition of Certain Assets of Capital Financial Services, Inc. No. 21

First National City Corporation, New York, New York, a bank holding com-

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, through a wholly owned indirect subsidiary, Nationwide Financial Corporation of Oregon (Nationwide), certain assets of Capital Financial Services, Inc. No. 21, Portland, Oregon (Capital), a consumer finance company. Nationwide which would acquire the assets and assume Capital's lease proposes to engage in the following activities at Capital's sole office: making consumer installment personal loans; purchasing consumer installment sales finance contracts; and acting as agent or broker for the sale of credit life and credit accident and health insurance and consumer credit related property and casualty insurance.¹ Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1) and (9)).

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 26506). The time for filing comments and views has expired, and none has been timely received.

Applicant, the second largest bank holding company in New York and the third largest banking organization in the United States, controls seven banks with aggregate domestic deposits of over \$15.5 billion, representing 14.3 per cent of the total deposits in commercial banks in the State. (All banking and financial data are as of December 31, 1972.) Applicant also controls non-banking subsidiaries engaged principally in mortgage banking, lease and conditional sales financing, and the consumer finance business.

Capital, a wholly owned subsidiary of Capital Finance Corporation of Columbus, Ohio, is engaged in the consumer finance (small loan) business including the sale of credit-related insurance at its sole office which is located in Portland, Oregon.² Capital has total assets of \$10,018 consisting of eight consumer notes receivable of \$5,018 together with furniture and fixtures valued at \$5,000. Applicant's consumer finance subsidiary, Nationwide, operates two offices in the Portland market³ and has received approval to open a third office. Applicant's total receivables at these offices are \$822,000 and its share of the outstanding consumer finance loans is, and would remain upon consummation of the proposed acquisition, less than one percent. There are 31 other finance companies

¹ In regard to sale of credit related insurance, Applicant states no offer will be made of insurance counseling.

² Applicant, through Nationwide, is not purchasing any insurance licenses, insurance contracts or customer lists from Capital but does intend to conduct a credit related insurance business from the office of Capital.

³ The Portland market is approximated by the Portland, Oregon-Washington SMSA consisting of Clackamas, Multnomah, and Washington Counties in Oregon and Clark County in Washington.

and 23 banks operating in the relevant market. In view of the facts above, particularly the limited amount of Capital's outstanding loans, and other facts of record, the Board has concluded that the proposed acquisition is unlikely to have any adverse effects on existing or future competition in the relevant market.

Capital's parent through operating subsidiaries has 11 offices in the Portland market. The office operated by Capital would be closed entirely if this application were denied. Thus, approval of the subject application would serve the convenience of the public by ensuring the continued operation of a consumer lending office and its credit related insurance activities at Capital's location. There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

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(e) 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 made 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 New York pursuant to delegated authority.

By order of the Board of Governors,
effective November 8, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc. 73-24427 Filed 11-15-73; 8:45 am]

GENERAL FINANCIAL SYSTEMS, INC.

Order Approving Acquisition of Banks

General Financial Systems, Inc., 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 acquire 80 percent or more of the voting shares of: (1) First National Bank & Trust Company of Lake Worth, Lake Worth, Florida ("Lake Worth Bank"), and (2) First National Bank & Trust

¹ Voting for this action: Vice Chairman Mitchell, and Governors Daane, Bucher, and Holland. Absent and not voting: Chairman Burns and Governors Brimmer and Sheehan.

Company, Jupiter/Tequesta, Tequesta, Florida (Tequesta Bank").³

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Although each of the applications has been separately considered by the Board, because of the facts and circumstances common to each, this Order contains the Board's findings and conclusions with respect to both applications.

Applicant controls one bank, First Marine Bank & Trust Company, Riviera Beach, Florida ("Riviera Bank"), with deposits of about \$68 million, which represents approximately 6.1 percent of total deposits in commercial banks in the West Palm Beach County banking market,⁴ and about three-tenths of 1 percent of all such deposits in commercial banks in Florida. Riviera Bank is the fifth largest of 30 commercial banks in the relevant market. In addition, Applicant owns between 15 percent and 24.9 percent of eight other banks, with aggregate deposits of about \$162 million, including four which are located in the West Palm Beach County banking market.

Lake Worth Bank, the second largest bank in the West Palm Beach County banking market, controls deposits of \$84 million, representing 7.5 percent of total deposits in commercial banks in said market and about four-tenths of 1 percent of all such deposits in commercial banks in Florida. Lake Worth Bank is located about 12 miles from Riviera Bank; and only very small proportions of Lake Worth Bank's total deposits and loans originate in Riviera Bank's service area. Moreover, although some service overlap exists between Lake Worth Bank and the other West Palm Beach County banks, including Tequesta Bank, in which Applicant owns voting shares, a significant portion of such overlap involves commercial loans and real estate loans and arises, for the most part, from loan participations between Lake Worth Bank and such other banks. In addition, Applicant and persons associated with Applicant own voting shares in Lake Worth Bank; and a close relationship apparently exists between Applicant and such bank. Consummation of the proposed ac-

quisition of Lake Worth Bank would increase Applicant's share of the West Palm Beach County banking market to 13.6 percent and cause Applicant to become the largest banking organization in said market. Such consummation would not, however, enable Applicant to dominate the West Palm Beach County banking market, since 12 holding companies, including the second, third and sixth largest banking organizations in the State, are represented in said market. Moreover, six of the market's banking organizations each control between 6 and 13 percent of total market deposits. Accordingly, the Board concludes that consummation of the proposed acquisition of Lake Worth Bank would not adversely affect competition in any relevant area.

Tequesta Bank, with deposits of \$32.4 million, is the fourteenth largest bank in the West Palm Beach County banking market and controls 2.9 percent of total deposits in commercial banks in such market. Tequesta Bank is located approximately 10 miles from Riviera Bank and about 22 miles from Lake Worth Bank. The amount of service overlap between Tequesta Bank and each of these banks is, accordingly, quite small and does not represent a substantial anticompetitive factor. Moreover, Applicant and persons associated with Applicant own approximately 44 percent of the outstanding voting shares of Tequesta Bank. A close relationship apparently has existed between Applicant and Tequesta Bank since the latter's formation in 1963; and persons affiliated with Applicant have always participated in Tequesta Bank's management. Upon consummation of the proposed acquisition of both Lake Worth Bank and Tequesta Bank, Applicant would control 16.5 percent of total deposits in commercial banks in the West Palm Beach County market. However, Applicant would continue to face significant competition from numerous strong banking organizations already represented in this market. Accordingly, consummation of the proposed acquisition of Tequesta Bank would not, either in itself or in conjunction with acquisition of Lake Worth Bank, enable Applicant to dominate the West Palm Beach County banking market and would not adversely affect competition in any relevant area.

It appears that Applicant has previously engaged in certain nonbanking activities through corporate interests which were spunoff to its shareholders on September 30, 1972. However, certain director interlocks and indebtedness remain 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. However, there appear to be no significant competitive factors present in considering the possible adverse interface between such nonbanking activities and Applicant's present and pro-

posed banking subsidiaries. Accordingly, the Board believes that the instant applications may be approved without first determining Applicant's control, or lack thereof, of said nonbanking interests; such a determination shall be made at a later date.

Applicant has indicated that, within six months after consummation of the proposed acquisitions, it will make equity additions to the capital structures of Lake Worth Bank, Tequesta Bank, and Riviera Bank. In light of this commitment and all facts of record, the Board finds that the financial and managerial resources of Applicant and each of subject banks are satisfactory and consistent with approval of both applications. Considerations relating to the convenience and needs of the community are likewise consistent with approval. There are, at present, substantial statewide bank holding companies in Florida which represent significant competitive factors in Florida banking; the addition and strengthening of medium and smaller companies, like Applicant, should produce public benefits by enhancing competition throughout the State. It is the Board's judgment that the proposed acquisitions are in the public interest and that both applications should be approved.

Based upon the record,⁵ the applications are approved. The transactions shall not be made (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 Atlanta pursuant to delegated authority.

By order of the Board of Governors,⁶ effective November 6, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc. 73-24428 Filed 11-15-73; 8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

[ICP Docket No. 20623]

ALABAMA BY-PRODUCTS CORP.

Hearing on Application for Renewal of Permit for Noncompliance With Mandatory Respirable Dust Standard

In accordance with the provisions of section 202(b)(4) of the Federal Coal

³ Applicant presently owns 24.9 percent of the voting shares of Lake Worth Bank and 24.3 percent of the voting shares of Tequesta Bank. Such shares were acquired in 1968 and 1964, respectively, without Board approval, since Applicant, a one-bank holding company, was not then subject to the Act. Applicant, through the instant applications, seeks Board approval for acquisitions of enough additional shares of Lake Worth Bank and of Tequesta Bank to give it direct ownership and control of 80 percent or more of the outstanding shares of each bank.

⁴ Approximated by the upper two-thirds of Palm Beach County. Banking data are as of December 31, 1972, unless otherwise indicated.

⁵ Statement of Governor Brimmer, Concurring in Part and Dissenting in Part, 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 Atlanta.

⁶ Voting for the Board's action approving the acquisition of Lake Worth Bank: Vice Chairman Mitchell and Governors Sheehan, Bucher, and Holland. Voting against this action: Governor Brimmer. Absent and not voting: Chairman Burns and Governor Daane.

Voting for the Board's action approving the acquisition of Tequesta Bank: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Daane.

Mine Health and Safety Act of 1969 (83 Stat. 742, 30 U.S.C. 842(b)(4)), notice is hereby given that the request for a public hearing filed by the United Mine Workers of America concerning the application for a renewal permit for noncompliance for Mary Lee No. 1 Mine, Alabama By-Products Corporation, P.O. Box 188, Goodsprings, Alabama, has been granted.

The hearing will be conducted pursuant to the regulation for practice and procedure for hearings before the Interim Compliance Panel, 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended.

Administrative Law Judge James A. Broderick is designated to preside over all proceedings in the matter identified by the docket number given above from the date of this notice until he shall have made the initial decision therein or until he shall have been relieved of his duties therein by order of the Interim Compliance Panel.

This matter is set for a joint pre-hearing conference which includes Docket Number 20164 in the Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia, at 10 a.m., November 26, 1973, Hearing Room A.

The time and place of the hearing shall be set at the discretion of the Administrative Law Judge taking into account the Interim Compliance Panel's policy for expeditious treatment.

Edwin M. Weiss, Chief Counsel of the Interim Compliance Panel, is authorized to appear in these proceedings in behalf of the Panel for the purpose of presenting evidence and examining witnesses.

All petitions, motions and other documents relating to the proceedings in the matter identified by the docket number given above shall be submitted to the said Administrative Law Judge, c/o Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006. Judge Broderick may be reached at the following telephone numbers: (202) 343-6031 or (703) 557-9200.

A copy of the Request for Public Hearing and of the file is available for inspection in the office of the Correspondence Control Officer, Interim Compliance Panel, at the above address.

November 12, 1973.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

[FR Doc.73-24447 Filed 11-15-73; 8:45 am]

[ICP Docket No. 20164]

OLD BEN COAL CORP.

Hearing on Application for Renewal of Permit for Noncompliance With Mandatory Respirable Dust Standard

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, 30 U.S.C. 842(b)(4)), notice is hereby given that the request for a public hearing filed by the United Mine Workers of America concerning the application

for a renewal permit for noncompliance for Mine No. 24, Old Ben Coal Corp., Benton, Illinois has been granted.

The hearing will be conducted pursuant to the regulation for practice and procedure for hearings before the Interim Compliance Panel, 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended.

Administrative Law Judge James A. Broderick is designated to preside over all proceedings in the matter identified by the docket number given above from the date of this notice until he shall have made the initial decision therein or until he shall have been relieved of his duties therein by order of the Interim Compliance Panel.

This matter is set for a joint pre-hearing conference which includes Docket Number 20623 in the Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia, at 10 a.m., November 26, 1973, Hearing Room A.

The time and place of the hearing shall be set at the discretion of the Administrative Law Judge taking into account the Interim Compliance Panel's policy for expeditious treatment.

Edwin M. Weiss, Chief Counsel of the Interim Compliance Panel, is authorized to appear in these proceedings in behalf of the Panel for the purpose of presenting evidence and examining witnesses.

All petitions, motions, and other documents relating to the proceedings in the matter identified by the docket number given above shall be submitted to the said Administrative Law Judge, c/o Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006. Judge Broderick may be reached at the following telephone numbers: (202) 343-6031 or (703) 557-9200.

A copy of the Request for Public Hearing and of the file is available for inspection in the office of the Correspondence Control Officer, Interim Compliance Panel, at the above address.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 12, 1973.

[FR Doc.73-24448 Filed 11-15-73; 8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (73-85)]

NASA LUNAR PLANNING COMMITTEE

Notice and Agenda of Meeting

The NASA Lunar Planning Committee will meet at the California Institute of Technology on November 26 and 27, 1973. The meeting will be held in the Board of Trustees Room in the Milikan Library, California Institute of Technology, 1201 E. California Boulevard, Pasadena, California, 91109. The meeting is open to members of the public during the open portion, from 9 a.m. to 4 p.m. on November 26 and from 9 a.m. to 2 p.m. on

November 27, to within the 36-seat capacity of the room. A session closed to the public will be held from 4 p.m. to 5 p.m. on November 26 and from 2 p.m. to 3:30 p.m. on November 27 to discuss U.S./U.S.S.R. cooperative programs, preliminary recommendations regarding continued ALSEP operations, and the scientific merits of orbital science presentations. In discussing these items, the qualifications, reputation and ability of groups will be reviewed. That discussion, if conducted in public session, may well invade the privacy of those concerned.

The NASA Lunar Planning Committee serves in a consultative capacity to the National Aeronautics and Space Administration to review the NASA lunar programs and objectives. The Committee has 15 members including the Chairman, Dr. Noel W. Hinners. For further information regarding the meeting, please contact Dr. Richard J. Allenby, area code 202-755-1948. The agenda for the meeting is as follows:

AGENDA

LUNAR PLANNING COMMITTEE, CALIFORNIA INSTITUTE OF TECHNOLOGY, PASADENA, CALIFORNIA

26 and 27 November 1973

The Lunar Planning Committee will review the status of previous recommendations, the Lunar Science Institute, the Fifth Lunar Science Conference, and the Lunar Polar Orbit mission. The Lunar Data Analysis and Synthesis Program will be discussed and the Committee will be asked to critique its content. Orbital gamma-ray spectrometry, gravimetry and magnetometry will be reviewed with emphasis upon establishing scientific requirements for future data acquisition. The role, function, and recent deliberations of the Lunar Sample Review Panel will be presented and discussed.

Preliminary recommendations arising from the ALSEP operating experiments review will be presented for critique.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

NOVEMBER 9, 1973.

[FR Doc.73-24425 Filed 11-15-73; 8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSEUM ADVISORY SUBPANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Museum Advisory Subpanel to the National Endowment for the Arts will be held at 9:30 a.m., on December 3, 1973, in the McPherson Building, 1425 K Street NW., 8th floor, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National

Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *FEDERAL REGISTER* of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-24492 Filed 11-15-73; 8:45 am]

MUSEUM ADVISORY SUBPANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Museum Advisory Subpanel to the National Endowment for the Arts will be held at 9:30 a.m., on November 26, 1973, in the McPherson Building, 1425 K Street NW., 8th floor, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *FEDERAL REGISTER* of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-24493 Filed 11-15-73; 8:45 am]

MUSEUM ADVISORY SUBPANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Museum Advisory Subpanel to the National Endowment

for the Arts will be held at 9:30 a.m., on December 5, 1973, in the McPherson Building, 1425 K Street NW., 8th floor, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *FEDERAL REGISTER* of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-24494 Filed 11-15-73; 8:45 am]

NATIONAL SCIENCE FOUNDATION INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the International Decade of Ocean Exploration Proposal Review Panel to be held at 8:30 a.m. on December 3, 4, and 5, 1973, in Room 642 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations concerning support of research by programs of the Office for the International Decade of Ocean Exploration. The agenda for this meeting will be devoted to the review and evaluation of specific proposals. As this meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b), it will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of Sections 10(d) of P.L. 92-463.

Persons requiring further information concerning this Panel should contact Mr. Feenan D. Jennings, Head, Office for International Decade of Ocean Exploration, Room 710, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director
for Administration.

NOVEMBER 2, 1973.

[FR Doc.73-24527 Filed 11-15-73; 8:45 am]

NATIONAL MAGNET LABORATORY VISITING COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the National Magnet Laboratory Visiting Committee to be held at 9:15 a.m. on November 26 and 27, 1973 at the Francis Bitter National Magnet Laboratory, 170 Albany Street, Cambridge, Massachusetts 02139.

The purpose of this Committee is to provide on-site review, evaluation and recommendations concerning the in-house research effort; the magnet development program; and other services of the National Magnet Laboratory. The Committee also provides advice on desirable new directions in research programs of the National Magnet Laboratory, and on possible improvements in operations related to the administration of the Laboratory by the Laboratory staff and/or MIT, as part of the process of determining appropriate NSF action on National Magnet Laboratory support levels for future years.

The agenda for this meeting shall include:

- | | |
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| NOVEMBER 26 | |
| MORNING | |
| 9:15----- | Welcoming Remarks, Dr. A. G. Hill, Vice President for Research, MIT. |
| 9:20----- | Introduction, Professor Benjamin Lax, Director, National Magnet Laboratory. |
| Presentation of Scientific Research Program: Laboratory Personnel. | |
| 9:40----- | Superconductivity in Niobium Germanium, Dr. John Gadaler. |
| 10:05----- | Magnetic Semiconductors, Dr. Yacov Shapira. |
| 10:50----- | Ferromagnetism in Cobalt Films, Dr. Robert Meserve. |
| 11:15----- | Step Tunable Laser, Dr. Roshan Aggarwal. |
| 11:35----- | Magnetoplane, Professor Richard Thornton. |
| AFTERNOON | |
| 12:00----- | Magnetic Effects in Organic Solids, Professor Nicholas Geacintov. |
| 12:20----- | Recess for lunch. |
| 1:00----- | General Tour. |
| 1:45----- | Laser Produced Plasmas, Dr. Daniel Cohn. |
| 2:10----- | High Field and Mossbauer Study of Biological Molecules, Dr. Richard Frankel. |
| 2:55----- | ALCATOR, Dr. Ronald Parker. |
| 3:15----- | Tour with Demonstration and Discussion at Scheduled Stops, Laboratory Personnel. |
| a. | Lung Studies, Dr. David Cohen. |
| b. | Long-Pulse Set up, Dr. Simon Foner. |
| c. | Pulsed Cyclotron Resonance Set up, Mr. Kenneth Button. |
| d. | Catheter, Mr. E. Richard Hale. |
| e. | ALCATOR, Dr. D. Bruce Montgomery. |
| f. | Laser Produced Plasmas, Dr. Ward Halverson. |

NOVEMBER 27

Evaluation of Laboratory's Management and Programs.

The November 26 session of the meeting shall be open to the public. Individuals who wish to attend should inform Dr. Howard W. Etzel, Deputy Division Director, Division of Materials Research, by telephone (202-632-7334) or by mail (Room 336, 1800 G Street NW., Washington, D.C. 20550) prior to the meeting. The November 27 meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of Section 10(d) of P.L. 92-463.

Persons requiring further information concerning this Committee should contact Dr. Howard W. Etzel at the previously mentioned address. Summary minutes relative to the open session of this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director
for Administration.

OCTOBER 31, 1973.

[FR Doc.73-24528 Filed 11-15-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Notice of Suspension of Trading

NOVEMBER 9, 1973.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 10, 1973 through November 19, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-24483 Filed 11-15-73;8:45 am]

[70-5380]

CONNECTICUT YANKEE ATOMIC POWER CO.

Post-Effective Amendment Regarding Change of Commercial Paper Dealer

NOVEMBER 9, 1973.

Notice is hereby given that Connecticut Yankee Atomic Power Co., P.O. Box 270, Hartford, Connecticut 06101 (Connecticut Yankee), an electric utility subsidiary company of Northeast Utilities and New England Electric System, both of which are registered holding companies, has filed with this Commission a post-effective amendment to its application-declaration pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and rule 50(a) (2) and 50(a) (5) (B) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

The Commission has heretofore by order authorized Connecticut Yankee to issue and sell, from time to time on or before March 1, 1975, short-term securities in an aggregate principal amount not to exceed \$30 million outstanding at any one time. Such securities will be in the form of short-term notes issued to banks and/or commercial paper issued to a dealer in such securities. (See Holding Company Act Release No. 18096, dated September 14, 1973.)

Connecticut Yankee now proposes to amend said application-declaration, as it pertains to the issue and sale of commercial paper to a dealer, by substituting Lehman Commercial Paper, Incorporated in place of A. G. Becker & Co., Inc., as the dealer in commercial paper. It is stated that such substitution of dealers is in Connecticut Yankee's best interests in that it will serve to more evenly distribute Connecticut Yankee's commercial paper business among various dealers.

It is further stated that Connecticut Yankee plans to file a certificate of partial consummation with respect to its sale of commercial paper to A. G. Becker & Co., Inc. at such time as this amendment becomes effective.

The applicant-declarant represents that no separate fees, expenses or commissions have been or will be incurred in connection with the post-effective amendment referred to herein. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 5, 1973, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert;

or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-24479 Filed 11-15-73;8:45 am]

[70-5420]

MISSISSIPPI POWER CO.

Proposed Amendment to Articles of Incorporation

NOVEMBER 9, 1973.

Notice is hereby given that Mississippi Power Co., 2992 West Beach, Gulfport, Mississippi 39501 (Mississippi), an electric utility subsidiary company of The Southern Co. (Southern), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) (2), 7 and 12(e) of the Act and rule 62 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

At present, Mississippi's Articles of Incorporation provide, inter alia, that it shall not, without the affirmative vote of a majority of outstanding shares of preferred stock, issue or assume any securities representing unsecured debt (except to refund unsecured securities resulting in equal or longer maturities or to redeem all of the outstanding shares of preferred stock or of any senior or equally ranking stock) in an amount which would exceed 10 percent of the aggregate of capital, surplus and secured debt. Mississippi proposes to amend this

provision so as to increase the amount of securities representing unsecured debt Mississippi may issue or assume without further consent of preferred shareholders, provided (1) that the total amount of securities representing unsecured debt would not exceed 20 percent of the aggregate of capital, surplus and secured debt or (2) the total amount of securities representing unsecured debt having maturities of less than 10 years would not exceed 10 percent of such aggregate. The proposed provision governing the incurrence of unsecured indebtedness will be consonant with the related standards set forth in the Commission's statement of policy with respect to preferred stock.

The proposed amendment to the Articles of Incorporation requires the affirmative vote of the holders of at least two-thirds of the common and preferred stock and the affirmative vote of two-thirds of the shares of preferred stock voting as a class. Southern, the owner of all of the outstanding common stock of Mississippi, proposes to vote all such shares for the adoption of the proposed amendment. In connection with the foregoing transaction, Mississippi proposes to solicit proxies from the holders of its outstanding common and preferred stock for use at a special meeting of shareholders which will take action upon the aforesaid proposal. Mississippi has filed the relevant proxy materials with this Commission.

The fees, commissions and expenses to be paid or incurred in connection with the proposed transactions will aggregate an estimated \$15,500, which includes \$6,000 and \$5,000 for counsel fees and for proxy solicitation, respectively. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 5, 1973, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules un-

der the Act as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.
[FR Doc.73-24481 Filed 11-15-73; 8:45 am]

[70-5418]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Proposed Increase of Subsidiary's Common Stock and Issuance and Sale of Common Stock by Subsidiary to Holding Company

NOVEMBER 8, 1973.

Notice is hereby given that Ohio Edison Co., 47 North Main St., Akron, Ohio 44308 (Ohio Edison), a registered holding company and a public-utility company, and Pennsylvania Power Co., 1 East Washington St., New Castle, Pennsylvania 16103 (Pennsylvania), its electric utility subsidiary, have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b), 9(a), 10, and 12(f) of the Act and rules 43(a) and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Pennsylvania proposes to issue and sell to Ohio Edison, its parent, and Ohio Edison proposes to purchase from Pennsylvania, 340,000 shares of its authorized and unissued common stock at a price per share equal to the par value thereof (\$30 per share), for a total cash consideration of \$10,200,000.

Pennsylvania also proposes to increase its authorized number of shares of common stock of the par value of \$30 per share from 1,800,000 to 3,000,000 to provide for the presently proposed sale and future additional similar sales to Ohio Edison.

The proceeds from the sale of the additional common stock will be used to meet the current cash requirements of Pennsylvania's 1973 construction program estimated to aggregate approximately \$39,583,000 and to repay bank loans estimated to aggregate \$7,000,000 at the time of the sale.

The fees and expenses to be paid by Pennsylvania in connection with the issue and sale of the new common stock are estimated to total \$4,750, including legal fees of \$2,500. It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale by Pennsylvania of the new

common stock and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 3, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-24480 Filed 11-15-73; 8:45 am]

[File No. 500-1]

STANDARD SYSTEMS INTERNATIONAL, INC.

Notice of Suspension of Trading

NOVEMBER 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Standard Systems International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:30 p.m. (e.s.t.) November 8, 1973 through November 17, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-24482 Filed 11-15-73; 8:45 am]

[812-3512]

STUDENT LOAN MARKETING ASSOC.

Filing of Application for Order Pursuant to Section 6(c) of the Act Exempting Company From the Provisions of the Act

NOVEMBER 8, 1973.

Notice is hereby given that Student Loan Marketing Association, 1750 K Street NW., Washington, D.C. 20006 (SLMA), a United States Government-sponsored private corporation, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting SLMA from the provisions of the Investment Company Act of 1940 (Act) to the extent that SLMA may be deemed subject to the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

SLMA was created by section 439 (section 439) of the 1972 Amendments to the Higher Education Act of 1965 (the "Education Act") for the purpose of providing liquidity to lenders under the Guaranteed Student Loan Program (GSLP), a program provided for by the Education Act and related legislation pursuant to which, among other things, the United States Government, States and a limited number of non-profit private agencies insure loans made to students by eligible lenders. SLMA is authorized to provide this liquidity, pursuant to section 439, principally through instituting secondary market facilities, including the purchasing and selling of insured student loans, and warehousing activities, i.e., making loans to lenders secured by insured student loans.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 3(a)(1) of the Act defines an investment company as any issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities.

Under section 439(d)(1) of the Education Act, SLMA is authorized, subject to the provisions of section 439, "pursuant to commitments or otherwise, to make advances on the security of, purchase, service, sell or otherwise deal in" GSLP insured student loans "at prices and on terms and conditions determined by" SLMA. SLMA believes that these activities, when viewed in light of the definition of investment company contained in the Act, could possibly require SLMA to register under the Act, unless it could be determined that SLMA is an agency, authority or instrumentality of the United States to which the Act does not apply pursuant to section 2(b) of the Act.

SLMA asserts that the participation in, and control over, its activities by the United States Government provided for by section 439 of the Education Act is of a sufficiently comprehensive character to support the conclusion that SLMA is to be treated as an instrumentality of the United States not subject to the Act under section 2(b) of the Act. Certain of the elements of participation and control mandated by section 439 are as follows:

(1) SLMA is a Government-sponsored corporation [section 439(a)];

(2) the President of the United States (the "President") is to appoint and has appointed the entire Interim Board of Directors [section 439(c)(2)];

(3) the holders of SLMA common stock are not entitled to vote for members of the regular Board until "in the judgment of the President", sufficient common stock of SLMA has been purchased by educational and financial institutions [section 439(c)(3)];

(4) thereafter the President continues to appoint 7 of the 21 members of the Board and the Chairman of the Board who serve at the pleasure of the President [sections 439(c)(1), (3) and (5)];

(5) the common stock of SLMA may be acquired only by certain eligible financial and educational institutions, and the remaining 14 directors are elected only by the holders of common stock which are financial and educational institutions [sections 439(c)(3), (f)(1), and (f)(2)];

(6) the common stock of SLMA is transferable only as prescribed by regulations of the Secretary of HEW [section 439(f)(3)];

(7) the Secretary of HEW prescribes the maximum number of shares of common stock which SLMA may have outstanding at any time [section 439(f)(3)];

(8) SLMA may issue preferred stock only with the approval of the Secretary of HEW [section 439(g)(1)];

(9) SLMA may issue obligations only with the approvals of the Secretaries of HEW and the Treasury [section 439(h)(1)];

(10) SLMA's obligations will be guaranteed by the Secretary of HEW only to the extent determined by the Secretary of HEW in consultation with the Secretary of the Treasury [section 439(h)(2)];

(11) the business which SLMA may conduct is prescribed by section 439 and is, in general, limited to activities relating to insured student loans under GSLP [sections 439(d) and (i)];

(12) the accounts of SLMA must be audited annually and a report of such audit furnished to the Secretary of the Treasury whose representatives are given access to SLMA's books, records and properties in connection therewith [section 439(j)]; and

(13) periodic reports are required to be submitted by the Secretary of the Treasury and by SLMA to the President and to the Congress [sections 439(k) and (n)].

SLMA also represents that the Chairman and the President of SLMA have on more than one occasion, in the brief period since its creation, been requested to appear before Congressional committees, or representatives thereof, to report on SLMA's activities and that SLMA has, in practice, kept the Department of the Treasury advised on a regular basis of significant developments and has maintained a close working relationship with the Office of Education of the Department of HEW.

In addition, SLMA asserts that SLMA and its securities are, under section 439 and related legislation, accorded certain

privileges and exemptions generally reserved to quasi-governmental organizations. Among these are the following:

(1) SLMA and its properties and income are exempt from State and local taxation (other than real estate taxes) [section 439(b)(2)];

(2) SLMA's securities are deemed legal investments for certain entities controlled or regulated by the U.S. Government [section 439(1)]; and

(3) all stock and obligations issued by SLMA pursuant to section 439 are deemed exempt securities within the meaning of laws administered by the Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States [section 439(1)].

SLMA states that it was the intent of Congress in enacting section 439 that SLMA not be subject to the provisions of the Act. As support for this assertion, SLMA states that certain provisions of the Act such as the following directly conflict with certain requirements of section 439:

(1) Section 16(a) of the Act prohibits any person from serving as a director of a registered investment company unless elected by the holders of the outstanding voting securities. Under section 439: (a) The President appoints SLMA's entire Interim Board of Directors and $\frac{1}{2}$ of the members of its regular Board; (b) SLMA stockholders are entitled to vote for directors only after the President determines that sufficient common stock has been purchased by educational institutions and financial institutions; and (c) the remaining $\frac{1}{2}$ of SLMA's regular Board directors are elected only by holders of common stock which are educational institutions and financial institutions.

(2) Section 18(a)(2)(C) of the Act requires that provisions be made for the holders of any senior security consisting of stock issued by a registered closed-end investment company to elect certain of the company's directors. Under section 439, SLMA is authorized, with the approval of the Secretary of Health, Education, and Welfare (HEW), to issue preferred stock; but such preferred stock is required to be non-voting.

(3) Sections 35(a) and (b) of the Act make it unlawful to represent that any registered investment company or any security issued by such a company has been "guaranteed, sponsored, recommended or approved" by the United States or any agency or officer thereof. Section 439 describes SLMA as a "Government-sponsored" corporation, requires the approval of the Secretary of HEW for SLMA to issue preferred stock and the approvals of the Secretaries of HEW and of the Treasury for SLMA to issue obligations, and authorizes the Secretary of HEW to guarantee SLMA's obligations.

SLMA further asserts that certain other provisions of the Act would make impracticable SLMA's activities as intended by section 439:

(1) Section 18(a) of the Act makes it unlawful for any registered closed-end investment company to issue senior securities unless immediately after such issuance there will be an asset coverage of either 200 percent or 300 percent. Section 18(c) makes it unlawful, with certain exceptions, for any registered closed-end investment company to have outstanding more than one class of senior security representing indebtedness or

more than one class of senior security which is a stock. Under section 13(a) (2) of the Act, no registered investment company, unless authorized by the vote of a majority of its outstanding voting securities, may borrow money, issue senior securities or make loans except in each case in accordance with the recitals of policy contained in its registration statement. These provisions, SLMA asserts, conflict with Congress' intent for SLMA to obtain funds from the sale of its debt securities and preferred stock and, through its Board of Directors, to have broad authority to make loans to lenders which make insured loans under GSLP and to fashion the terms of its senior securities.

(2) Section 17(a) of the Act contains prohibitions against sales of securities or other property to registered investment companies by affiliated persons and section 21 prohibits loans from registered investment companies to controlling persons. Since section 439 limits the issuance of shares of SLMA common stock to certain classes of institutions, including institutions making loans under GSLP, and 14 of the 21 members of the regular Board of Directors of SLMA will be elected by the holders of its common stock, SLMA will be making loans to and purchasing student loans from institutions which, as a class, will, by their stock ownership and Board representation, exercise a controlling influence over SLMA.

SLMA states that the granting of the order requested is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 29, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication shall be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon SLMA at the address set forth above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing

(if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-24478 Filed 11-15-73;8:45 am]

[File No. 500-1]

Notice of Suspension of Trading TECHNICAL RESOURCES, INC.

NOVEMBER 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:30 p.m. (E.S.T.) November 8, 1973, and continuing through November 17, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-24487 Filed 11-15-73;8:45 am]

[File No. 500-1]

TELEPROMPTER CORP.

Notice Amending Notice of Suspension of Trading

NOVEMBER 8, 1973.

The Commission having determined to amend its notice of November 5, 1973, summarily suspending trading in the securities of TelePrompter Corp. for the period November 6, 1973 through November 15, 1973;

Therefore, pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in the common stock, and all other securities of TelePrompter Corp. being traded on the New York Stock Exchange and all other securities of TelePrompter Corp., being traded otherwise than on a national securities exchange is suspended, for the period from November 6, 1973, through November 11, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-24488 Filed 11-15-73;8:45 am]

[File No. 500-1]

TOTH ALUMINUM CORP.

Notice of Suspension of Trading

NOVEMBER 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

stock of Toth Aluminum Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:45 p.m. (E.S.T.) on November 6, 1973, and continuing through November 15, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-24486 Filed 11-15-73;8:45 am]

TRIEX INTERNATIONAL CORP.

[File No. 500-1]

Notice of Suspension of Trading

NOVEMBER 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 10, 1973, through November 19, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-24484 Filed 11-15-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Notice of Suspension of Trading

The common stock of U.S. Financial Inc. being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 10, 1973, through November 19, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-24485 Filed 11-15-73;8:45 am]

TARIFF COMMISSION

[22-36]

BUTTER, BUTTER SUBSTITUTES CONTAINING BUTTERFAT AND BUTTER OIL

Notice of Hearing Rescheduling

The United States Tariff Commission has rescheduled from November 27, 1973, to November 29, 1973, the hearing in connection with the investigation instituted on November 5, 1973, under subsection (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether 56,000,000 pounds of the articles described in item 950.05 and 22,600,000 pounds of the articles described in item 950.06 of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) may be imported into the United States during the period beginning November 1, 1973, and ending December 31, 1973, in addition to the quota-quantities specified for such articles under TSUS items 950.05 and 950.06, without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk.

The hearing will be held Thursday, November 29, 1973, at 10 a.m., E.S.T., in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C., not later than noon, Friday, November 23, 1973.

By order of the Commission.

Issued: November 13, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-24508 Filed 11-15-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

UNEMPLOYMENT COMPENSATION LAWS

Certification of States to the Secretary of the Treasury Pursuant to Section 3304 of the Internal Revenue Code of 1954

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

Alabama	Iowa
Alaska	Kansas
Arizona	Kentucky
Arkansas	Louisiana
California	Maine
Colorado	Maryland
Connecticut	Massachusetts
Delaware	Michigan
District of Columbia	Minnesota
Florida	Mississippi
Georgia	Missouri
Hawaii	Montana
Idaho	Nebraska
Illinois	Nevada
Indiana	New Hampshire

New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Puerto Rico
Rhode Island

South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the foregoing States to the Secretary of the Treasury for the taxable 12-month period ending October 31, 1973.

PETER J. BRENNAN,
Secretary of Labor.

OCTOBER 31, 1973.

[FR Doc.73-25424 Filed 11-15-73;8:45 am]

UNEMPLOYMENT COMPENSATION LAWS

Certification of the Secretary of the Treasury Pursuant to Section 3303(b)(1) of the Internal Revenue Code of 1954

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable 12-month period ending October 31, 1973, as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304) are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for the taxable 12-month period ending October 31, 1973.

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri

Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming

PETER J. BRENNAN,
Secretary of Labor.

OCTOBER 31, 1973.

[FR Doc.73-24525 Filed 11-15-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 387]

ASSIGNMENT OF HEARINGS

NOVEMBER 13, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-130194, Canterbury Trails, Inc., now being assigned hearing January 14, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-112422 Sub 5, Sam Vam Galder, Inc., now assigned December 4, 1973, at Madison Wis., will be held in Room 404, Public Service Commission, Hill Farm State Office Bldg., 4802 Sheboygan Avenue.

MC-7840 Sub 4, St. Lawrence Freightways, Inc., now assigned November 19, 1973, at Albany, N.Y., is postponed to January 14, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 309, Schneider Transport, Inc., now assigned December 3, 1973, at Chicago, Ill., will be held in Room 672, 536 South Clark Street.

MC 107162 Sub 34, Noble Graham Transport, Inc., now assigned December 5, 1973, at Chicago, Ill., will be held in Room 672, 536 South Clark Street.

MC-F-11798, H & W Motor Express Company—Purchase—John Seachitti, and MC 69224 Sub 40, H & W Motor Express Company, now assigned December 10, 1973, at Chicago, Ill., will be held at the LaSalle Hotel, Madison and LaSalle Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-24516 Filed 11-15-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 13, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before December 3, 1973.

PSA No. 42771—Joint Water-Rail Container Rates—United States Lines, Inc. Filed by United States Lines, Inc. (No. 5), for itself and interested rail carriers. Rates on general commodities, between

ports in United Kingdom, Republic of Ireland, and Continental Europe, on the one hand, and rail terminals at U.S. Gulf Seaports, on the other.

Grounds for relief—Water competition.

PSA No. 42772—*Methanol from Bayport, Texas*. Filed by Southwestern Freight Bureau, Agent (No. B-448), for interested rail carriers. Rates on methanol, in tank-car loads, as described in the application, from Bayport, Texas, to Celriver, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 8 to Southwestern Freight Bureau, Agent, tariff 11-F, ICC No. 5082. Rates are published to become effective on December 11, 1973.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-24517 Filed 11-15-73; 8:45 am]

[Notice No. 391]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants

that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 6, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74534. By order entered November 12, 1973, the Motor Carrier Board approved the transfer to All American Movers, Inc., Frankfort, Ky., of the operating rights set forth in Certificate No. MC-106902, issued December 29, 1959, to Lynn Moving and Storage, Inc., Danville, Ky., authorizing the transportation of household goods as defined by the Commission, between specified counties and areas in Kentucky, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Illinois, Indiana, Maryland, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601, attorney for applicants.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-24518 Filed 11-15-73; 8:45 am]

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federal register

FRIDAY, NOVEMBER 16, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 221

PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

■

NATIONAL INSTITUTES OF HEALTH

Protection of Human Subjects

Policies and Procedures

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health PROTECTION OF HUMAN SUBJECTS Policies and Procedures

In the FEDERAL REGISTER of October 9, 1973 (38 FR 27882 et seq.), the Secretary of Health, Education, and Welfare issued a notice of proposed rulemaking concerning the protection of human subjects and mentioned that DHEW through the National Institutes of Health, had appointed a special study group to review and recommend policies and special procedures for the protection of children, prisoners, and the institutionalized mentally infirm in research, development, and demonstration activities. The report of this study group has been completed in draft form and reviewed by the Director, NIH.

There may well be elements in the recommendations which will provoke debate and controversy. We recognize that public consideration and comment are vital to the development of our final recommendations to the Secretary and are inviting such comment now even though the materials are still pending final review and completion. The product of our effort after considering public comment will be transmitted to the Assistant Secretary for Health, HEW to recommend to the Secretary, HEW that it appear again in the FEDERAL REGISTER as proposed rulemaking for further public comment. Such a procedure is consistent with long established DHEW policy for permitting extensive public opportunity to affect the promulgation of DHEW regulations.

It must be clearly understood by the reader that the material that follows is not proposed rulemaking in the technical sense, and is not presented as Departmental, Public Health Service, or NIH policy. Rather it is a draft working document on which early public comment and participation is invited.

Please address any comments on these draft policies and procedures to the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. All comments should be received by January 4, 1974.

Additional copies of this notice are available from the Chief, Institutional Relations Branch, Division of Research Grants, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dated: November 6, 1973.

ROBERT S. STONE,
Director,
National Institutes of Health.

RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES: LIMITATIONS OF IN- FORMED CONSENT

SPECIAL POLICY CONSIDERATIONS

Summary

NOVEMBER 5, 1973.

The mission of the Department of Health, Education, and Welfare includes

the improvement of the health of the Nation's people through research, development, and demonstration activities which at times involve human subjects. Thus, policies and procedures are required for the protection of subjects on whose participation these activities depend.

Informed consent is the keystone of the protection of human subjects involved in research, development, and demonstration activities. Certain categories of persons have limited capacity to consent to their involvement in such activities. Therefore, as a supplement to DHEW policies, special protections are proposed for *children, prisoners, and the mentally infirm* who are to be involved in research, development, and demonstration activities.

Agency "Ethical Review Boards" are to be established to provide rigorous review of the ethical issues in research, development, and demonstration activities involving human subjects, in order to make judgments regarding societal acceptability in relation to scientific value. "Protection Committees" are to be established by the applicant to provide "supplementary judgment" concerning the reasonableness and validity of the consent given by, or on behalf of, subjects. The intent of this policy is that institutions which apply for DHEW funds or submit research in fulfillment of DHEW regulations, must be in compliance with these special protections, whether or not particular research, development, or demonstration activities are Federally activities.

1. *Children.* If the health of children is to be improved, research activities involving their participation is often essential. Limitation of their capacity to give informed consent, however, requires that certain protections be provided to assure that scientific importance is weighed against other social values in determining acceptable risk to children. Therefore, research, development, and demonstration activities which involve risk to children who participate must:

a. Include a mechanism for obtaining the consent of children who are 7 years of age or older;

b. Include the applicant's proposal for use of a Protection Committee which is appropriate to the nature of the activity;

c. Be reviewed and approved, in conformity with present DHEW policy, by an Organizational Review Committee; and

d. Be reviewed by the appropriate agency Primary Review Committee, the Ethical Review Board, and the appropriate secondary review group.

2. *Special categories.*—a. *The Abortus.* No research, development, or demonstration activity involving the non-viable abortus shall be conducted which:

1. Will prolong heart beat and respiration artificially solely for the purpose of research;

2. Will of itself terminate heart beat and respiration;

3. Has not been reviewed by the agency Ethical Review Board; and

4. Has not been consented to by the pregnant woman with participation of a Protection Committee.

(An abortus having the capacity to sustain heart beat and respiration is in fact a premature infant, and all regulations governing research on children apply.)

b. *The fetus in utero.* No research involving pregnant women shall be conducted unless:

1. Primary Review Groups assure that the activity is not likely to harm the fetus;

2. the agency Ethical Review Board has reviewed the activity;

3. a Protection Committee is operating in a manner approved by the agency; and

4. the consent of both prospective legal parents has been obtained, when reasonably possible.

c. *Products of in vitro fertilization.* No research involving implantation of human ova which have been fertilized *in vitro* shall be approved until the safety of the technique has been demonstrated as far as possible in sub-human primates, and the responsibilities of the donor and recipient "parents" and of research institutions and personnel have been established. Therefore, no such research may be conducted without review of the Ethical Review Board and of a Protection Committee.

3. *Prisoners.* Research, development, and demonstration activities involving human subjects often require the participation of normal volunteers. Prisoners may be especially suitable subjects for such studies, although there are problems concerning the voluntariness of the consent of normal volunteers who are confined in institutions. Certain protections are required to compensate for the diminished autonomy of prisoners in giving voluntary consent. Research, development, and demonstration activities involving prisoners must:

a. Include the applicant's proposal for use of a Protection Committee which is appropriate to the nature of the activity;

b. Be reviewed and approved by an Organizational Review Committee which may already exist in compliance with present DHEW policy or which must be appointed in a manner approved by the appropriate DHEW agency;

c. Be reviewed by the agency Primary Review Committee; and

d. Be conducted in an institution which is accredited by the Secretary of Health, Education, and Welfare.

4. *The mentally infirm.* Insofar as the institutionalized mentally infirm might lack either the competency or the autonomy (or both) to give informed consent, their participation in research requires additional protection:

a. Research, development and demonstration activities involving the mentally infirm will be limited to investigations concerning (1) diagnosis, etiology, prevention, or treatment of the disability from which they suffer, or (2) aspects of institutional life, *per se*, or (3) information which can be obtained only from such subjects.

All research, development and demonstration activities involving such persons must:

1. Include the applicant's assurance that the study can be accomplished only

with the participation of the mentally infirm;

2. Include the applicant's proposal for use of a Protection Committee which is appropriate to the activity; and

3. Be reviewed and approved by an Organizational Review Committee, in conformity with present DHEW policy.

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INTRODUCTION

The mission of the Department of Health, Education, and Welfare includes the improvement of the health of the Nation's people through biomedical research. This mission requires the establishment of policy and procedures for the protection of subjects on whose participation that research depends. In DHEW policy, as well as in ethical codes pertaining to research in human subjects, the keystone of protection is informed consent.

An uncoerced person of adult years and sound mind may consent to the application of standard medical procedures in the case of illness, and when fully and properly informed, may legally and ethically consent to accept the risks of participating in research activities. Parents and legal guardians have authority to consent on behalf of their child or ward to established therapeutic procedures when the child is suffering from an illness, even though the treatment might involve some risk.

There is no firm legal basis, however, for parental or guardian consent to participation in research on behalf of subjects who are incompetent, by virtue of age or mental state, to understand the

information provided and to formulate the judgments on which valid consent must depend. In addition, current policies for clinical research afford such subjects inadequate protection. Nevertheless, to proscribe research on all such subjects, simply because existing protections are inadequate, would be to deny them potential benefits, and is, therefore, inequitable. Knowledge of some diseases and therapies can be obtained only from those subjects (such as children) who suffer from the disease or who will be receiving the therapy. Their participation in research is necessary to progress in those fields of medicine. When such subjects participate in research, they need more protection than is provided by present policy.

There are other individuals who might be able to comprehend the nature of the research, but who are involuntarily confined in institutions. Insofar as incarceration might diminish their freedom of choice, and thus limit the degree to which informed consent can be freely given, they too need additional protection. Current policies do not recognize the limitations on voluntariness of consent which may emanate from incarceration.

This addition to existing policy is offered as a means of providing adequate protection to subjects who, for one reason or another, have a limited ability to give truly informed and fully autonomous consent to participate in research. The aim is to set standards which are both comprehensive and equitable, in order to provide protection and, to the extent consistent with such protection, maintain an environment in which clinical research may continue to thrive.

1. *Definitions.* For purposes of this policy:

A. *Subject at risk* means any individual who might be exposed to the possibility of harm (physical, psychological, sociological, or other) as a consequence of participation as a subject in any research, development or demonstration activity (hereinafter called "activity") which goes beyond the application of established and accepted methods necessary to meet his needs.

B. *Clinical research* means an investigation involving the biological, behavioral, or psychological study of a person, his body or his surroundings. This includes but is not limited to any medical or surgical procedure, any withdrawal or removal of body tissue or fluid, any administration of a chemical substance, any deviation from normal diet or daily regimen, and any manipulation or observation of bodily processes, behavior or environment. Clinical research comprises four categories of activity:

1. Studies which conform to established and accepted medical practice with respect to diagnosis or treatment of an illness.

2. Studies which represent a deviation from accepted practice, but which are specifically aimed at improved diagnosis, prevention, or treatment of a specific illness in a patient.

3. Studies which are related to a patient's disease but from which he or she will not necessarily receive any direct benefit.

4. Investigative, non-therapeutic research in which there is no intent or expectation of treating an illness from which the patient is suffering, or in which the subject is a "normal control" who is not suffering from an illness but who volunteers to participate for the potential benefit of others.

It is important to emphasize that "non-therapeutic" is not to be understood as meaning "harmful." Understanding of normal processes is essential; it is the prerequisite, in many instances, to recognition of those deviations from normal which define disease. Important knowledge can be gained through such studies of normal processes. Although such research might not in any way benefit the subjects from whom the data are obtained, neither does it necessarily harm them.

Patients participating in studies identified in paragraph B-1, above, are not considered to be at special risk by virtue of participating in research activities, and this policy statement offers no special protection to them. When patients or subjects are involved in procedures identified in paragraphs B2, B3, and B4, they are considered to be "at risk," and the special policy and procedures set forth in this document pertain. Excluded from this definition are studies in which the risk is negligible, such as research requiring only, for example, the recording of height and weight, collecting excreta, or analysing hair, deciduous teeth, or nail clippings. Some studies which appear to involve negligible physical risk might, however, have psychological, sociological or legal implications which are significant. In that event, the subjects are in fact "at risk," and appropriate procedures described in this document shall be applied.

C. *Children* are individuals who have not attained the legal age of consent to participate in research as determined under the applicable law of the jurisdiction in which the proposed research is to be conducted.

D. *Pregnancy* encompasses the period of time from implantation until delivery. All women during the child bearing years should be considered at risk of pregnancy; hence, prudence requires definitive exclusion of pregnancy when women in this period of life are subjects for experimentation which might affect the fetus.

E. *Fetus* means the product of conception from the time of implantation to the time of delivery from the uterus.

F. *Abortus* means a fetus when it is expelled whole, whether spontaneously or as a result of medical or surgical intervention undertaken with the intention of terminating a pregnancy, prior to viability. This definition, for the purpose of this policy, excludes the placenta, fetal material which is macerated at the time of expulsion, a dead fetus, and isolated

fetal tissue or organs excised from a dead fetus.

G. *Viability of the fetus*, means the ability of the fetus, after either a spontaneous delivery or an abortion, to survive to the point of independently maintaining vital functions; such a "viable" fetus is a premature infant. Determination of viability entails a subjective and objective judgment by the physician attending labor or examining the product of conception, and must be made by a physician other than the investigator wishing to use fetal tissue in research. In general, and all other circumstances notwithstanding, a beating heart is not sufficient evidence of viability. At least one additional necessary condition is the possibility that the lungs can be inflated. Without this precondition, no currently available mechanisms to initiate or maintain respiration can sustain life; and in this case, though the heart is beating, the fetus or abortion is in fact non-viable.

H. *In vitro fertilization* is any fertilization of human ova which occurs outside the body of the female, either through admixture of donor sperm and ova or by any other means.

I. *Prisoner* is any individual involuntarily confined in a penal institution. The term is intended to encompass individuals sentenced to such an institution under a criminal or civil statute, or individuals detained by virtue of statutes which provide alternatives to criminal prosecution.

J. *Mentally infirm* includes the mentally ill, the mentally retarded, the emotionally disturbed, the psychotic, the senile, and others with impairments of a similar nature, residing as patients in an institution, regardless of whether or not the individual has been determined to be legally incompetent.

K. *Informed consent* has two elements: comprehension of adequate information and autonomy of consent. Consent is a continuing process. The person giving consent must be informed fully of the nature and purpose of the research and of the procedures to be used, including identification of those procedures which are experimental, the possible attendant short or long term risks and discomforts, the anticipated benefits to himself and/or others, any alternative methods of treatment, expected duration of the study, and of his or her freedom to ask any questions and to withdraw at any time, should the person wish to do so. There must also be written evidence of the process used for obtaining informed consent, including grounds for belief that the subject has understood the information given and has sufficient maturity and mental capacity to make such choices and formulate the requisite judgment to consent. In addition, the person must have sufficient autonomy to choose, without duress, whether or not to participate. Both the comprehension of information and the autonomy of consent are necessary elements; to the extent that either of these is in doubt, the adequacy of informed consent may be in doubt.

L. *Supplementary judgment* is the judgment made by others to assent, or to refuse to assent, to procedures for which the subject cannot give adequate consent on his or her own behalf. For the purposes of this document, supplementary judgment will refer to judgments made by local committees in addition to the subject's consent (when possible) and that of the parents or legal guardian (where applicable), as to whether or not a subject may participate in clinical research. This supplementary judgment is to be confirmed by the signature of the Chairman of the Protection Committee on the consent form. In accordance with the procedures approved by the agency for the Protection Committee, the Chairman's signature may be affixed on a standard consent form, or may need to be withheld until the Committee approves the participation of the individual subject.

II. *General policy considerations*. In general, clinical research, like medical practice, entails some risk to the subjects. When the potential subject is unable fully to comprehend the risks which might be involved, or to make the judgment essential to consent regarding the assumption of those risks, current guidelines suggest obtaining the consent of the parents or legal representative.

Whereas it is clear by law that consent of a parent or legal representative is valid for established and generally accepted therapeutic procedures performed on a child or an incompetent adult, it is far from clear that it is adequate for research procedures. In practice, parental or guardian consent generally has been accepted as adequate for therapeutic research, although the issue has not been definitively resolved in the courts. When research might expose a subject to risk without defined therapeutic benefit or other positive effect on that subject's well-being, parental or guardian consent appears to be insufficient.

In the case of prisoners, confinement imposes limitations on freedom of choice which brings into question their ability to give voluntary consent. A prisoner's ability to give consent may be restricted by overt or potential coercion, or by the loss of personal autonomy generally considered to result from incarceration itself. Therefore, additional protection must be afforded this group even though an individual's competency to understand what is involved might not be in doubt.

The institutionalized mentally infirm are doubly limited: as with children, they might not be competent to make informed judgments, and, as with prisoners, they are confined under conditions which limit their civil freedom and autonomy. Therefore, their participation in research requires special protections.

The law is not clear on these issues. Even if the law were clear, however, ethical questions would remain; specifically, whether, and under what conditions research involving these subject groups may proceed. Resolution of these ethical questions requires judgments concerning

both the ethics of conducting a particular research project, and the adequacy of procedures for protecting the individual subjects who will be asked to participate. The intention of this policy is to broaden the scope of review, preclude or resolve conflicts of interest, and invoke social as well as scientific judgments to protect potential subjects who might have diminished capacity to consent.

The proposed mechanism for protecting subjects with limited ability to give informed consent culminates in a form of supplementary judgment, which is to be supportive and protective of the subject's best interests and wishes, to the extent that he or she is capable of formulating and expressing a judgment. In the case of children and the mentally infirm, it will supplement their judgment and that of their parents or guardians. In the case of competent individuals who have restricted autonomy, it will support and protect their wishes. Through this mechanism, these subjects will be protected as fully as possible by community review; however, the nature of some research procedures might be such that, in addition, court review ultimately will be required.

III. *Participation of children in research*—A. *Policy considerations*. Children have generally been considered inappropriate subjects for many research activities because of their inability to give informed consent. There are circumstances, however, which not only justify, but even require their participation. Children do differ from adults in their physiologic responses, both to drugs and to disease; if the health of children is to be improved, it is necessary to know the nature and extent of these differences, and to have a full understanding of normal patterns of growth and development, metabolism, and biochemistry in the perinatal, infant, early childhood, pubertal and adolescent stages of development. Studies of normal physiology and behavior can also provide significant benefit to children suffering from disease; children are the only subjects from whom these data can be obtained. Furthermore, there are diseases which cannot be induced in laboratory animals, and occur only rarely, if at all, in human adults. In such cases, children are the only subjects in whom the disease process and possible modes of therapy can be studied.

The Kefauver-Harris Act¹ requires that drugs be tested for safety, efficacy and dosage in children and pregnant women before being approved for use to treat illness in such patients. Food and Drug Administration (FDA) approval for the use of a new drug depends upon submission of proposed labeling for a new drug, which must include "adequate directions for use" and "adequate warnings" as to unapproved uses.² Acceptance of a new drug

¹ Federal Food, Drug, and Cosmetic Act, 1962 (FDC Act), 21 U.S.C. Sec. 301 et. seq.

² FDC Act Sec. 502(f), 21 U.S.C. Sec. 352(f).

rests on the adequacy of the research reports submitted with the application to support the proposed labeling.³ Thus, in order for a drug to be distributed in interstate commerce for use in children or pregnant women, sufficient testing must have taken place in children or pregnant women to substantiate claims on the label regarding safety, efficacy, and dosage for those groups. If the safe and efficacious dosage for children and pregnant women has not been determined, the label must so state. Thus, participation of children in drug research might be the only means of meeting licensing requirements for new drugs for use in children, just as studies in pregnant women might be the only means of meeting licensing requirements for new drugs for use in that class of patients.

When the risk of a proposed study is generally considered not significant, and the potential benefit is explicit, the ethical issues need not preclude the participation of children in biomedical research. However, the progression from innocuous to noxious, in terms of risk, is often subtle. Therefore, additional review procedures are necessary for research activities which expose children to risk, in order to provide sharp scrutiny, vigorous review, and stringent procedural safeguards for all subjects of such research.

Judgments concerning the ethical propriety of research depend partly upon the scientific assessment of the potential risks and benefits. Risk has several important elements: severity, probability, frequency, and the timing of possible adverse effects. While it might not always be easy to distinguish these elements, they must be evaluated in the assessment of risk, and in the determination of the acceptable limits of specific risk for an anticipated benefit. The first judgment to be made is whether it is possible to assess the risk. If studies in animals or adults do not provide sufficient information to assess these elements of risk, then the research should not be conducted on children. If the risks can be determined from studies in animal and adult human populations, application to children may be considered.

In addition to results from investigations on animals and adult subjects, there are unknowns which must be considered in the weighing of risk to children. These include: (1) differences in physiologic or psychologic response from adult patterns; (2) delayed expression of injury (for example, until puberty); (3) effects on developing organs (especially the central nervous system); (4) degree of interference with normal routine required by the study; and (5) possibility of misuse of data by institution or school personnel.

Once the severity and probability of risks in a particular study have been identified, a second judgment must be made: given potential benefits of described dimensions, what are the acceptable limits of risk to which children

ethically may be subjected? Value judgments which must be weighed here transcend scientific issues and suggest that the decision requires interaction among individuals in society with diverse training and perspectives. Further, given the complexity of the issues and the opportunity for conflict among the interests of several parties (the child, the parents or guardian, the attending physician, and the research personnel), decisions regarding participation of individual subjects in research activities involving children should not rest solely with persons directly involved in the research.

In order to provide both impartial ethical review of projects and maximum protection of individual subjects, two procedures are proposed in addition to those currently required: review by an Ethical Review Board at the sponsoring DHEW agency, and participation by a Protection Committee at the institution in which the research is to be conducted. Both groups will provide community involvement in decisions and attempt to balance scientific value and societal acceptability of proposed research involving children.

B. Ethical Review Board: Ethical review of projects. Each DHEW agency shall appoint an Ethical Review Board to provide rigorous review of ethical issues in research involving human subjects by people whose interests are not solely those of the scientific community. Its functions will include:

1. Advising the agency on ethical issues including review of questions of policy, and development of guidelines and procedures;
2. Fostering inter-agency coherence through cognizance of the policies and procedures of other agencies;
3. Reviewing specific proposals or classes of proposals submitted to the Board by the agency. These will include proposals stipulated herein as requiring review by the Board, as well as proposals submitted on an *ad hoc* basis by agency staff. In addition, the Board may recommend that certain additional classes of research be reviewed.

The acceptability of a research project rests on questions of scientific merit as well as on questions of ethics. The agency Primary Review Committees are responsible for evaluating scientific merit and experimental design. The Ethical Review Board will be concerned with ethical issues and questions of societal acceptability in relation to scientific value. In reaching its determination of acceptability, the Board will rely upon the Primary Review Committees for judgments on scientific merit and design, existence of prerequisite animal and adult human studies, estimated risks and benefits (taking into account the competence and experience of investigators and the adequacy of their resources), and scientific importance. It will review proposals received from these Primary Review Committees.

An investigator proposing research activities which expose children to risk must document, as part of the application for support, that the information to

be gained can be obtained in no other way. The investigator must also stipulate either that the risk to the subjects will be insignificant, or that although some risk exists, the potential benefit is significant and far outweighs that risk. In no case will research activities be approved which entail substantial risk, except in the case of clearly therapeutic procedures in which the benefit to the patient significantly outweighs the possible harm. The Ethical Review Board shall review all proposals approved by Primary Review Committees involving children in research activities, except when the Primary Review Committees determine that the subjects are not at risk.

In addition to reviewing ethical issues, the Board will review procedures proposed in the research application to be employed by the institution's Protection Committee (see below), and may suggest modifications of these procedures. The Board's recommendation may vary from a general concurrence with the proposal, as submitted by the investigator, to a recommendation that each parental and subject consent must be obtained with the concurrence of the full Protection Committee. Any specific recommendations for procedures to be followed by the Protection Committee will be included in the report of the Ethical Review Board which will be forwarded to the National Advisory Councils or other secondary review groups of the agency. Appropriate information will be provided by the agency to assist the Protection Committee.

Inasmuch as the articulation of decisions might clarify both the objectives and the assumptions on which they are based, records of testimony and deliberations, as well as final decisions, should be maintained pursuant to existing regulations. Such records will serve additionally as the basis for public accountability and will facilitate the review of any decision, should such action be requested.

Members of the Board, which shall number 15, shall be drawn from the general public, and shall include, for example, research scientists (including social scientists), physicians, lawyers, clergy, or ethicists, and other representatives of the public, none of whom shall be employees of the agency establishing the Board. Appointments shall be made by the agency, which will establish the terms of office and other administrative procedures of the Board. No more than 1/3 of the members of the Board may be actively engaged in research, development, or demonstration activities involving human subjects.

C. Protection Committee: Protection of individual subjects. The determination that it is justifiable to conduct a particular investigation in children, however, does not mean that all children are equally appropriate subjects for inclusion in that research. Numerous considerations might affect the proper choice of subjects. Therefore, the sponsoring institution shall designate a Protection Committee to oversee: (1) the process of

³ FDC Act Sec. 505 (b), (d), 21 U.S.C. Sec. 355 (b), (d).

selection of subjects who may be included in the project; (2) the monitoring of their continued willingness to participate in the research; and (3) the design of procedures to permit intervention on behalf of the subject, should that become necessary. This Committee should consider the reasonableness and validity of the consent of the child participants (see below) as well as that of the parents, and should assure that the issue of risk and discomfort has been fully and fairly disclosed to parents and subjects. The procedure employed by the institution to achieve these goals will vary; the latitude for such procedures will be great since it will be related in part to the issue of risk. Investigators proposing research involving children shall include a description of their planned use of the Protection Committee in their research proposal; the proposed use of this Committee will be considered an integral part of the research proposal under review by the agency. Relevant information arising in the review process, including information about safety, risk, efficacy, and protection procedures, will be provided to the Protection Committee by the agency supporting the research.

One member of the Committee shall be designated a representative for the project to whom any participant (or parent of a participant) may go to discuss questions or reservations concerning the child's continued participation in the project.

The signature on the consent form of the Chairman of the Protection Committee, when all the stipulations and conditions identified above have been met, will constitute, for DHEW, *supplementary judgment* on behalf of the child subject.

The institution's Protection Committee shall be comprised of at least 5 members so selected that the Committee will be competent to deal with the medical, legal, social, and ethical issues involved in the research, and to represent the community from which the subject population is to be drawn. The Committee should include members of both sexes. No more than two of the members may be employees of the institution sponsoring or conducting the research. The Protection Committee may operate as a subcommittee of the Organizational Review Committee. The composition of the Committee must be approved by the awarding agency.

D. Special provisions—1. Consent of both parents. Even where State law may permit one parent alone to consent to medical care, both parents have an interest in the child, and therefore, consent of both parents should be obtained before any child may participate in research activities. Since the risks of research entail the possibility of additional burdens of care and support, the consent of both parents to the assumption of those risks should be obtained,⁴ except when the identity or whereabouts of either cannot be ascertained or either has been judged mentally incompetent. If the

consent of either parent is not obtained, written explanation or justification should be provided to the Protection Committee. Consent of school or institutional authorities is no substitute for parental concern and consent.

2. The child's consent. An important addition to the requirement for parental consent is the consent of the child subject. Clearly infants have neither the comprehension nor the independence of judgment essential to consent; older children might or might not have these capabilities. Although children might not have the capacity to consent on their own to participate in research activities, they must be given the opportunity (so far as they are able) to refuse to participate. The traditional requirement of parental consent for medical procedures is intended to be protective rather than coercive. Thus, while it was held to be unlawful to proceed merely with the consent of the child, but without consent of the parent or legal guardian,⁵ the reverse should also hold. Therefore, in addition to consent of both parents, consent of the child subject must also be obtained when the child has attained the common law "age of discretion" of 7 years, unless the agency Ethical Review Board specifically exempts a project from this requirement.

3. Exclusions. Despite all the protections afforded by these procedures, certain children are categorically excluded from participation in research involving risk. These include children with no natural or adoptive parents available to participate in consent deliberations, and children detained by court order in a residential facility, whether or not natural or adoptive parents are available.

E. The fetus. Respect for the dignity of human life must not be compromised whatever the age, circumstance, or expectation of life of the individual. Therefore, all appropriate procedures providing protection for children as subjects in biomedical research must be applied with equal rigor and with additional safeguards to the fetus.

The recent decision of the Supreme Court on abortion⁶ does not nullify the ethical obligation to protect the developing fetus from avoidable harm. This obligation, along with the right of every woman to change her decision regarding abortion, requires that no experimental procedures entailing risk to the fetus be undertaken in anticipation of abortion. Further, since the fetus might be at risk in research involving pregnant women, all research involving pregnant women must be reviewed by the Ethical Review Board, unless the Primary Review Committee determines that the research involves no risk to the fetus. Recruitment of pregnant subjects for research reviewed by the Board must involve the institution's Protection Committee in a manner approved by the Board, to provide supplementary judgment.

⁴ *Bonner v. Moran*, 75 U.S. App. D.C. 156, 126 F. 2d 121, 139 A.L.R. 1366 (1941).

⁵ *Roe v. Wade*, 410 U.S. 113 (1973).

The consent of both parents must be obtained for any research involving the fetus, any statutes to the contrary on consent for abortion notwithstanding. Both the mother and the father have an interest in the fetus, and legal responsibility for it, if it is born. Therefore, the father's consent must be obtained for experimental procedures involving the fetus; consent of the father may be waived if his identity or whereabouts cannot be ascertained, or if he has been judged mentally incompetent.

IV. Special categories—A. The abortus. Prematurity is the major cause of infant death in this country; thus, research aimed at developing techniques to further viability is of utmost importance. Such research has already contributed significantly to improvement in the care of the pregnant woman and of her fetus. In addition, knowledge of fetal drug metabolism, enzyme activity, and the development of organs is essential to progress in preventing or offsetting certain congenital defects. After thorough research in animal models, it often eventually becomes essential to undertake studies in the non-viable human fetus.

The decision of the Supreme Court on abortion does not eliminate the ethical issues involved in research on the non-viable human fetus. No procedures should be undertaken on the non-viable fetus which clearly affront societal values. Nevertheless, certain research is essential to improve both the chance of survival and the health status of premature infants. Such research must meet ethical standards as well as show a clear relation either to the expectation of saving the life of premature infants through the development of rescue techniques, or to the furthering of our knowledge of human development and thereby our capacity to offset the disabilities associated with prematurity. It is imperative, however, that the investigator first demonstrate that appropriate studies on animals have in fact been exhausted and that therefore the research in question requires that the work be done on the non-viable human fetus. Specific reasons for this necessity must be identified. A thorough review of the ethical issues in proposed research involving the non-viable fetus is of utmost importance.

It must be recognized that consent for abortion does not necessarily entail disinterest on the part of the pregnant woman in what happens to the product of conception. Some women feel strongly about what may, or may not, be done to the aborted fetus; others do not. In order to give every woman the opportunity to declare her wishes, consent of the pregnant woman for application of any research procedures to the aborted fetus must be secured at the time of admission to the hospital for the abortion.

Because research on the abortus involves ethical as well as scientific issues, all projects involving the abortus must be reviewed by the Ethical Review Board, and recruitment of individual pregnant women for such research must involve

⁴ 59 Am. Jur. 2d, Sect. 129, p. 229.

the institution's Protection Committee in a manner approved by the Board to provide supplementary judgment. In addition to the requirement for maternal consent, both the Ethical Review Board and the Protection Committee shall, in their deliberations, consider the ethical and social issues surrounding research on the non-viable fetus. The Protection Committee must be satisfied that maternal consent is freely given and based on full disclosure, each time approved research is conducted on an abortion.

In order to insure that research considerations do not influence decisions as to timing, method, or extent of a procedure to terminate a pregnancy, no investigator engaged in the research on the abortion may take part in these decisions. These are decisions to be made by the woman and her physician.

The attending physician, not the investigator, must determine the viability of the abortion at the termination of pregnancy. If there is a reasonable possibility that the life of the fetus might be saved, experimental and established methods may be used to achieve that goal. Artificial life-support techniques may be employed only if the physician of record determines that the fetus might be viable. If the physician determines that the fetus is not viable, it is not acceptable to maintain heart beat or respiration artificially in the abortion for the purpose of research. Experimental procedures which of themselves will terminate respiration and heart beat may not be undertaken.

This policy and these protections apply with equal force to the products of spontaneous abortions.

B. The products of *in vitro* fertilization. In the interest of improving human health and development, the biology of human fertilization and the early events surrounding this phenomenon, including implantation, should be studied. To the extent that *in vitro* studies of human fertilization might further this aim, they are permissible at the present time within the limits outlined below.

Current technology limits the *in vitro* development of the human fertilized ovum to a period of several days. This is a rapidly advancing field of biomedical research, however, and the time might come when it is possible to extend *in vitro* development beyond the stage of early cell division and possibly even to viability.

It is contrary to the interests of society to set permanent restrictions on research which are based on the successes and limitations of current technology. Still, it is necessary to impose restraints prospectively in order to provide reasonable protections, while at the same time permitting scientific advancements which might well benefit society. A mechanism is required to weigh, at any given time, the state of the art, a specific proposal, legal issues, community standards, and the availability of guidelines to govern the research situation. This mechanism is provided by the Ethical Review Board. Ultimately, the Board will determine the acceptability of a

project involving *in vitro* fertilization, and by recognizing the state of the art, as well as societal concerns, propose appropriate research policy.

Care must be taken not to bring human ova fertilized *in vitro* to viability—whether in the laboratory or implanted in the uterus—until the safety of the technique has been demonstrated as far as possible in sub-human primates. To this end:

1. All proposals for research involving human *in vitro* fertilization must be reviewed by the Ethical Review Board.

2. No research involving the implantation of human ova fertilized in the laboratory into recipient women should be supported until the appropriate scientific review boards are satisfied that there has been sufficient work in animals (including sub-human primates) to demonstrate the safety of the technique. It is recommended that this determination of safety include studies of natural born offspring of the products of *in vitro* fertilization.

3. No implantation of human ova fertilized in the laboratory should be attempted until guidelines are developed governing the responsibilities of the donor and recipient "parents" and of research institutions and personnel.

V. Prisoners—A. Policy considerations. Clinical research often requires the participation of normal volunteers; for example, in the early stages of drug or vaccine evaluation. Sometimes, the need for standardization certain variables, or for monitoring responses over an extended period of time, requires that the subjects of research remain in a controlled environment for the duration of the project. Prisoners may be especially suitable subjects for such studies, since, unlike most adults, they can donate their time to research at virtually no cost to themselves. However, the special status of prisoners requires that they have special protection when they participate in research.

While there is no legal or moral objection to the participation of normal volunteers in research, there are problems surrounding the participation of volunteers who are confined in an institution. Many aspects of institutional life may influence a decision to participate; the extent of that influence might amount to coercion, whether it is intended or not. Where there are no opportunities for productive activity, research projects might offer relief from boredom. Where there are no opportunities for earning money, research projects offer a source of income. Where living conditions are unsatisfactory, research projects might offer a respite in the form of good food, comfortable bedding, and medical attention. While this is not necessarily wrong, the inducement (compared to the deprivation) might cause prisoners to offer to participate in research which would expose them to risks of pain or incapacity which, under normal circumstances, they would refuse. In addition, there is always the possibility that the prisoner will expect participation in research to be

viewed favorably, and to his advantage, by prison authorities (on whom his other few privileges depend) and by the parole board (on whom his eventual release depends). This is especially true when the research involves behavior modification and may be termed "therapeutic" with respect to the prisoner. In such instances, participation inevitably carries with it the hope that a successful result will increase the subject's chances for parole. Thus, the inducement involved in therapeutic research might be extremely difficult to resist; and for this reason, special protection is necessary for prisoners participating in research, whether or not the research is therapeutic.

The first principle of the Nuremberg Code requires that subjects of biomedical research must be "so situated as to be able to exercise free power of choice" concerning their participation. Whether prisoners can be considered to be "so situated" is ultimately a matter for the courts and the legislatures to resolve. In the meantime, it must be recognized that where liberty is limited, and where freedom of choice is restricted, there is a corresponding limitation of the capacity to give truly voluntary consent. Although the prisoner might be adequately informed, and competent to make judgments, the voluntariness of the person's consent remains open to question. This policy statement is designed to provide additional protections to prisoners participating in research.

The mission of the Department of Health, Education, and Welfare does not include rendering judgments on the administration of justice or the management of the correctional system. At the same time, the Department should not support activities which take unethical advantage of those who are under the jurisdiction of the courts and who, for that reason, lack some of the usual defenses to their personal integrity. Participation of prisoners in the research activities of the DHEW in the pursuit of medical knowledge might be beneficial to all concerned, but the relationship which involves a class of persons with diminished autonomy requires careful supervision.

Many prisoners are strongly motivated to participate in research, and view as unfair suggestions that they be denied this opportunity. Unless society, through its judicial and legislative bodies, decides that such participation should be halted, it is essential to develop mechanisms to protect those who may participate, or who are now participating, from the coercive aspects of incarceration which diminish their capacity for voluntary consent. Pursuant to the obligation to protect the rights of all subjects participating in research conducted under its auspices, the DHEW is proposing special guidelines for the protection of prisoners as subjects in any biomedical or behavioral research.

Two aspects of research involving prison populations require special review and procedural safeguards in addition to those provided by current DHEW policies.

First, when research is conducted under the auspices of a commercial manufacturer or an individual investigator, it is not always subject to review by an Organizational Review Committee, as is required for similar research conducted at a hospital or a university. Thus, local review has not heretofore been required for ethical considerations or for specific problems related to the population or institution which is to be directly involved. Second, because of the loss of individual dignity, the limitations of personal freedom, and the possibility of real or potential coercion which may accompany confinement in an institution, special safeguards must be provided to mitigate the inequalities of bargaining power between the prisoners and those who are in positions of authority. While it is important that prisoners have the opportunity to participate in research, it is equally important that they not feel compelled to do so.

B. Organizational Review Committee. All research involving prisoners must be conducted at an accredited correctional facility (see Section F, below) and be reviewed initially, and on a continuing basis, either by the Organizational Review Committee of that correctional facility or by the Organizational Review Committee of the institution sponsoring the research. The Organizational Review Committee shall have the duties and responsibilities identified in current DHEW regulations. In addition, for each project, it shall determine the adequacy of clinic or hospital facilities for the particular activity to be conducted, assess the appropriateness of the subject population for that activity, and weigh the questions of scientific importance, social need, and ethical acceptability. In addition to the foregoing, the Organizational Review Committee shall have the following duties, with respect to research involving prisoners as subjects:

1. To review and approve or modify the process proposed by the principal investigator for involvement of the Protection Committee (see below) in overseeing the selection of subjects who may be included in the research, and the process of obtaining their voluntary and informed consent.
2. To set rates of remuneration, if any, consistent with the expected duration and discomfort or risk of the proposed study, and consistent with other opportunities for employment, if any, at the facility in question.
3. To monitor the progress of the research as required by the sponsoring DHEW agency.

The recommendations of this Committee, along with a report describing any site visits, shall be included with the investigator's application to the agency. For facilities which have filed no general assurance, composition as well as recommendations of the Organizational Review Committee will be considered an integral part of the proposal in the agency review.

C. Protection Committee. The primary function of the Protection Committee is to provide supplementary judgment by

overseeing the selection of subjects who may be included in a research project to assure that their consent is as voluntary as possible under the conditions of confinement.

Consent is a continuing process. To assure the voluntariness of consent, subjects must be able to withdraw from the research project without prejudice. Each Protection Committee shall establish such a withdrawal mechanism.

The duties of the Protection Committee, therefore, shall include:

1. Reviewing the information given the potential subjects, with special attention to: adverse effects, the importance of reporting all deviations from normal function, the continuing option of withdrawing from participation at any time, and the identification of a member of the committee who will be available, at reasonable intervals upon request, for consultation regarding the research project. All of this information shall appear on the consent form, a copy of which will be given to each participant. When oral representations are made procedures described under DHEW regulations shall be followed.
2. Overseeing the process of selection of subjects who may be included in the research, to the extent stipulated in the recommendation of the Organizational Review Committee. This may vary from overall approval of the recruitment process, to reviewing a sample of subject selections, to interviewing as a full Committee each individual subject to be included in the project.
3. Visiting the institution on a regular basis to invite questions, to monitor the progress of the research, and to assess the continued willingness of subject participation. The frequency of these visits will be determined by the nature of the research, and any recommendations of the Organizational Review Committee. Depending upon the circumstances and the number of subjects involved, these visits may be made either on a rotating basis by various members of the Committee, or by the full Committee.
4. Maintaining records of its activities including contacts initiated by subjects in the project between regular site visits. These records shall be made available to the agency upon request.

The Protection Committee shall be comprised of at least 5 members so selected that the Committee will be competent to deal with the medical, legal, social, and ethical issues involved. No more than 1/3 of the members shall be scientists engaged in biomedical research or physicians; at least 1 shall be a prisoner or a representative of an organization concerned with the prisoners' interests; no more than 1 (except prisoners or their representatives) shall have any affiliation with the prison facility or with the unit of government having jurisdiction over the facility, with the exception of persons employed by the department of education of a relevant jurisdiction in a teaching capacity. The composition and the investigator's proposed use of the Committee must be reviewed and approved by the DHEW agency.

The Protection Committee shall be comprised of at least 5 members so selected that the Committee will be competent to deal with the medical, legal, social, and ethical issues involved. No more than 1/3 of the members shall be scientists engaged in biomedical research or physicians; at least 1 shall be a prisoner or a representative of an organization concerned with the prisoners' interests; no more than 1 (except prisoners or their representatives) shall have any affiliation with the prison facility or with the unit of government having jurisdiction over the facility, with the exception of persons employed by the department of education of a relevant jurisdiction in a teaching capacity. The composition and the investigator's proposed use of the Committee must be reviewed and approved by the DHEW agency.

The Protection Committee shall be comprised of at least 5 members so selected that the Committee will be competent to deal with the medical, legal, social, and ethical issues involved. No more than 1/3 of the members shall be scientists engaged in biomedical research or physicians; at least 1 shall be a prisoner or a representative of an organization concerned with the prisoners' interests; no more than 1 (except prisoners or their representatives) shall have any affiliation with the prison facility or with the unit of government having jurisdiction over the facility, with the exception of persons employed by the department of education of a relevant jurisdiction in a teaching capacity. The composition and the investigator's proposed use of the Committee must be reviewed and approved by the DHEW agency.

D. Payment to prisoners. The amount paid for participation in research will vary according to the risks and discomforts involved, and the other employment opportunities in the facility in which the research is to be conducted. The specific amount for each project will be determined by the Organizational Review Committee, which will forward its recommendation as part of the application to the sponsoring agency. The amount paid shall provide a compensation for services, but shall not be so great as to constitute undue inducement to participate.

Any reduction of sentence as a consequence of participation in research shall be comparable to other opportunities at the facility for earning such a reduction.

Any subject who is required by the investigator or prison physician to withdraw, for medical reasons, before completion of the investigation, shall continue to be paid for a period to be determined by the Protection Committee in consultation with the investigator. This does not apply to subjects who withdraw for other reasons. Any disputes regarding certification of withdrawal for medical reasons shall be heard and resolved by the Protection Committee.

Prisoners who serve on the Protection Committee shall be paid an amount consistent with that received by the research subjects.

E. Accreditation. The Secretary, DHEW, shall establish standards for accreditation of correctional facilities offering to act as sites for the performance of clinical research, or offering to act as a source of volunteer subjects for clinical research when the research is supported in whole or in part by Departmental funds or the research is to be performed in compliance with requirements of Federal statutes.

The review for certification shall include, but not be limited to:

1. Standard of living in the prison facility.
2. Other opportunities for employment and/or constructive activity, either within the prison, or in a work-release program.
3. Adequacy of (a) medical care for the general prison population (so that participation in research is not the only means of obtaining medical attention), and (b) the proposed methods for maintaining medical records and for protecting the confidentiality of those records.
4. The nature, structure, function, and composition of the Organizational Review Committee (whether located at the prison or at the institution sponsoring the research) which is to review clinical research in that correctional facility.

The Secretary shall also set general guidelines to assist the Organizational Review Committees in determining rates of remuneration, and shall indicate groups who may be considered to represent the prisoners' interests for the purpose of appointment to membership on the Protection Committee. No institution shall be accredited if research, whether or not supported by funds from the DHEW, is conducted under its auspices.

or by members of its staff, which is not in conformity with these guidelines. No DHEW funds will be granted for research in institutions lacking such accreditation.

F. *Special provisions.* 1. Persons detained in a correctional facility while awaiting sentence, or in a hospital facility for pre-sentence diagnostic observation, are excluded from participation in research.

2. A child may not be included as a subject in research involving risk if he is detained in an institutional setting pursuant to a court order, whether or not the parents and the child have consented to the child's participation.

VI. *The mentally infirm.*—A. *Policy considerations.* The institutionalized mentally infirm are doubly limited with respect to participation in research activities. First, as with children, they might lack the clear capacity to comprehend relevant information, and to make informed judgments concerning their participation. Second, as with prisoners, they experience a diminished sense of personal integrity as a result of confinement in an institution. Such confinement restricts their freedom of choice and imposes elements of coercion, which limit their capacity to give truly voluntary consent. In addition, the mentally infirm who are confined in institutions have more pressures to cooperate with custodial authorities than do prisoners, for their release might depend entirely upon their behavior and on the impression they make upon those having the power to make decisions concerning termination of their confinement.

Legal guardians, who have authority to consent for medical treatment, might have interests in the matter which do not necessarily coincide with those of the patient. Long-term management of patients with mental disabilities is expensive and time-consuming. Any proposal which might reduce either the expense or the supervision required in caring for such persons might be appealing, whether or not there is correlative benefit to the patient. This is certainly the case in projects offering new therapy; it might also occur, albeit in a more subtle form, where free medical or custodial services are perceived to be contingent upon the patient's participation as a subject in research.

The courts have begun to recognize that persons confined in institutions might not be able to give truly voluntary consent in such matters. It is important to recognize, as well, that persons encumbered by the economic or custodial responsibility for the mentally infirm might not be sufficiently objective to make judgments which are fully in the best interest of the institutionalized person.

The circumstances are limited under which it is justifiable to include the mentally infirm as subjects in biomedical research. These circumstances include projects in which: the proposed research concerns diagnosis, treatment, prevention, or etiology of the disability from which they suffer; the necessary information

can be obtained only from those subjects; or the studies concern institutional life *per se*. With these exceptions, the general rule is that the participation of the mentally infirm as subjects in research is not acceptable.

B. *Ethical review of projects and protection of subjects.* In instances in which a research protocol requires the participation of mentally infirm subjects, the research must be overseen by a Protection Committee in the manner described in Section III-C, pertaining to children. This Protection Committee must be supervised on a continuing basis, as described in Section V-B, by the Organizational Review Committee of the institution in which the research is to be conducted or of the institution sponsoring the research.

VII. *General provisions.* These provisions apply to all research activities covered by this policy.

A. *Referrals to the Ethical Review Board.* Whenever a Primary Review Committee, secondary review group, or the agency staff perceives an apparent and significant question of ethics or an unusual element of risk—whatever the subject group involved—the research proposal in question may be forwarded to the Ethical Review Board for an opinion. In addition to offering an opinion of acceptability from an ethical viewpoint, the Board may choose to recommend the establishment of a Protection Committee, and suggest guidelines for its operation.

B. *Procedures requiring special consideration.* All other recommendations notwithstanding, DHEW may identify certain procedures which: (1) Require Protection Committee review of the selection of each individual subject; (2) are acceptable for stipulated subjects only if approved by affirmative declaratory judgment of a court of competent jurisdiction; or (3) are unacceptable.

C. *Research conducted in Foreign Countries.* All regulations governing research conducted in the United States apply to research conducted in foreign countries under DHEW auspices, and the ethical review must be of equal rigor.

There are sometimes special constraints encountered in foreign settings. Therefore, in addition to the requirement that consent procedures for research to be conducted abroad conform with the policy and regulations set forth in this document, there must be written assurance that the proposed research enjoys local acceptance, and offends no local ethical standards.

D. *Research submitted pursuant to DHEW regulatory requirements.* Research or testing which is performed pursuant to or in fulfillment of any regulation issued by any agency of the DHEW will be acceptable to the government only if conducted in compliance with these procedures and regulations.

E. *Clinical research not funded by DHEW.*

If, in the judgment of the Secretary, an organization has failed to comply with the terms of this policy with respect to a particular DHEW grant or contract, he may require that said grant or contract be terminated or suspended in the manner prescribed in applicable grant or procurement regulations.

If, in the judgment of the Secretary, an organization fails to discharge its responsibilities for the protection of the rights and welfare of the subjects in its care, whether or not DHEW funds are involved, he may, upon reasonable notice to the organization of the basis for such action, determine that its eligibility to receive further DHEW grants or contracts involving human subjects shall be terminated. Such disqualification shall continue until it is shown to the satisfaction of the Secretary that the reasons therefor no longer exist.

If, in the judgment of the Secretary, an individual serving as principal investigator, program director, or other person having responsibility for the scientific and technical direction of a project or activity, has failed to discharge his responsibilities for the protection of the rights and welfare of human subjects in his care, the Secretary may, upon reasonable notice to the individual of the basis for such action, determine that such individual's eligibility to serve as a principal investigator or program director or in another similar capacity shall be terminated. Such disqualification shall continue until it is shown to the satisfaction of the Secretary that the reasons therefor no longer exist.¹

In reaching a determination on compliance, with respect to subjects with limited capacity for consent, the Secretary will consider the extent and the nature of the procedures by which the institution offers protection in all studies conducted in or by that institution regardless of the source of funds, with the expectation that there shall be an ethical review similar to that required of the agency Ethical Review Board (III-B). The existence of a Protection Committee, overseen by an Organizational Review Committee and acting to afford supplementary judgment, will be accepted as evidence of responsibility in this regard.

F. *Confidentiality of information and records.* Nothing in this policy shall be construed as permitting the release of confidential research protocols nor the violation of State law applicable to the confidentiality of individual medical records.

VIII. *Draft additions to proposed regulations* (See *FEDERAL REGISTER*, Vol. 38, No. 194, Part 2, Tues., Oct. 9, 1973, pp. 27882-27885).

To amend the proposed Part 46 of Subtitle A of Title 45 of the Code of Federal Regulations by deleting §§ 46.20 through 46.23, redesignating §§ 46.1 through 46.19 thereof as Subpart A, and adding the following new Subparts B through F:

SUBPART B—ADDITIONAL PROTECTIONS FOR CHILDREN INVOLVED AS SUBJECTS IN DHEW ACTIVITIES

Sec.
46.21 Applicability.
46.22 Purpose.
46.23 Need for legally effective consent.
46.24 Definitions.
46.25 Ethical Review Board; Composition; Duties.

¹ *FEDERAL REGISTER*, Vol. 38, No. 194, Part 2, Tuesday, October 9, 1973, § 46.22, p. 27885.

- Sec.
46.26 Protection Committees; Composition; Duties.
46.27 Certain children excluded from participation in DHEW supported activities.
46.28 Activities to be performed outside the United States.

SUBPART C—ADDITIONAL PROTECTIONS FOR CERTAIN CLASSES OF DHEW ACTIVITIES

- 46.31 Applicability.
46.32 Purpose.
46.33 Definitions.
46.34 Duties of the Ethical Review Board.
46.35 Maternal consent to activities involving the abortion.
46.36 Additional conditions for activities involving the abortion.
46.37 Prohibition on certain activities involving pregnant women where the fetus may be adversely affected.
46.38 Parental consent to activities which may affect the fetus.
46.39 Activities to be performed outside the United States.

SUBPART D—ADDITIONAL PROTECTIONS FOR PRISONERS INVOLVED AS SUBJECTS IN DHEW ACTIVITIES

- Sec.
46.41 Applicability.
46.42 Purpose.
46.43 Definitions.
46.44 Additional duties of Organizational Review Committee where prisoners are involved.
46.45 Protection Committees; Duties; Composition.
46.46 Prohibition on participation in activities prior to conviction.
46.47 Remuneration to subjects.
46.48 Accreditation.
46.49 Activities to be performed outside the United States.

SUBPART E—ADDITIONAL PROTECTIONS FOR THE INSTITUTIONALIZED MENTALLY INFIRM INVOLVED AS SUBJECTS IN DHEW ACTIVITIES

- 46.51 Applicability.
46.52 Purpose.
46.53 Definitions.
46.54 Limitations on activities involving the institutionalized mentally infirm.
46.55 Additional duties of Organizational Review Committee where the mentally infirm are involved.
46.56 Protection Committees; Duties; Composition.
46.57 Activities to be performed outside the United States.

SUBPART F—GENERAL PROVISIONS

- 46.61 Applicability.
46.62 Organization's records.
46.63 Reports.
46.64 Early termination of awards; sanctions for noncompliance.
46.65 Conditions.

AUTHORITY: 5 U.S.C. 301.

SUBPART B—ADDITIONAL PROTECTIONS FOR CHILDREN INVOLVED AS SUBJECT IN DHEW ACTIVITIES

Section 46.21 *Applicability.* (a) The regulations in this subpart are applicable to all Department of Health, Education, and Welfare research, development, or demonstration activities in which children may be at risk.

(b) The requirements of this subpart are in addition to those imposed under subpart A of this part.

Section 46.22 *Purpose.* It is the purpose of this subpart to provide additional safeguards in reviewing activities to which this subpart is applicable inasmuch as the potential subjects in activities conducted there-

under might be unable fully to comprehend the risks which might be involved and are legally incapable of consenting to their participation in such activities.

Section 46.23 *Need for legally effective consent.* Nothing in this subpart shall be construed as indicating that compliance with the procedures set forth herein will necessarily result in a legally effective consent under applicable State or local law to a subject's participation in any activity; nor in particular does it obviate the need for court approval of such participation where court approval is required under applicable State or local law in order to obtain a legally effective consent.

Section 46.24 *Definitions.* As used in this subpart:

- (a) "DHEW activity" means:
(1) The conduct or support (through grants, contracts, or other awards) of biomedical or behavioral research involving human subjects; or
(2) Research, development, or demonstration activities regulated by any DHEW agency.
(b) "Subject at risk" means any individual who might be exposed to the possibility of harm—physical, psychological, sociological, or other—as a consequence of participation as a subject in any DHEW activity which goes beyond the application of those established and accepted methods necessary to meet his needs.

(c) "Child" means an individual who has not attained the legal age of consent to participate in research as determined under the applicable law of the jurisdiction in which such research is to be conducted.

(d) "DHEW" means the Department of Health, Education and Welfare.

Section 46.25 *Agency Ethical Review Board; composition; duties.* (a) The head of each agency shall establish an Ethical Review Board, hereinafter referred to as the "Board," to review proposals for research, development, and demonstration activities to which this subpart is applicable, as well as to advise him or her on matters of policy concerning protection of human subjects. The Board shall be composed of research scientists (biomedical, behavioral, and/or social), physicians, lawyers, clergy, ethicists, and representatives of the public. It shall consist of 15 members appointed by the agency head from outside the Federal Government. No more than one-third of the members may be individuals engaged in research, development, or demonstration activities involving human subjects.

(b) It shall be the function of the Board to review each proposed activity to which this subpart applies, and advise the agency concerning the acceptability of such activities from the standpoint of societal need and ethical considerations, taking into account the assessment of the appropriate Primary Review Committees as to: (1) The potential benefit of the proposed activity, (2) scientific merit and experimental design, (3) whether the proposed activity entails risk of significant harm to the subject, (4) the sufficiency of animal and adult human studies demonstrating safety and clear potential benefit of the proposed procedures and providing sufficient information on which to base an assessment of the risks, and (5) whether the information to be gained may be obtained from further animal and adult human studies.

(c) The Board shall review the procedures proposed by the applicant to be followed by the Protection Committee, provided for in § 46.26 of this subpart, in carrying out its functions as set forth in § 46.26. In addition, the Board may recommend additional functions to be performed by the Protection Committee in connection with any particular activity.

(d) In decisions regarding activities covered by this subpart, the agency shall take into account the recommendations of the Board.

Section 46.26 *Protection Committees; composition; duties.* (a) No activity covered by this subpart will be approved unless it provides for the establishment by the applicant of a Protection Committee, composed of at least five members so selected that the Committee will be competent to deal with the medical, legal, social and ethical issues involved in the activity. None of the members shall have any association with the proposed activity, and at least one-half shall have no association with any organization or individual conducting or supporting the activity. No more than one-third of the members shall be individuals engaged in research, development, or demonstration activities involving human subjects. The composition of the Protection Committee shall be subject to DHEW approval.

(b) The duties of the Protection Committee, proposed by the applicant, and reviewed by the agency including the Ethical Review Board shall be to oversee: (1) The selection of subjects who may be included in the activity; (2) the monitoring of the subject's continued willingness to participate in the activity; (3) the design of procedures to permit intervention on behalf of one or more of the subjects if conditions warrant; (4) the evaluation of the reasonableness of the parents' consent and (where applicable) the subject's consent; and (5) the procedures for advising the subject and/or the parents concerning the subject's continued participation in the activity. Each subject and his or her parent or guardian will be informed of the name of a member of the Protection Committee who will be available for consultation concerning the activity.

(c) The Protection Committee shall establish rules of procedure for conducting its activities, which must be reviewed by DHEW, and shall conduct its activities at convened meetings, minutes of which shall be prepared and retained.

Section 46.27 *Certain children excluded from participation in DHEW activities.* A child may not be included as a subject in DHEW activities to which this subpart is applicable if:

(a) The child has no known living parent who is available and capable of participating in the consent process: *Provided*, That this exclusion shall be inapplicable if the child is seriously ill, and the proposed research is designed to substantially alleviate his condition; or

(b) The child has only one known living parent who is available and capable of participating in the consent process, or only one such parent, and that parent has not given consent to the child's participation in the activity; or

(c) Both the child's parents are available and capable of participating in the consent process, but both have not given such consent;

(d) The child is involuntarily confined in an institutional setting pursuant to a court order, whether or not the parents and child have consented to the child's participation in the activity; or

(e) The child has not given consent to his or her participation in the research: *Provided*, That this exclusion shall be inapplicable if the child is 6 years of age or less or if explicitly waived by the DHEW; or

(f) The Protection Committee established under § 46.26 of this subpart has not reviewed and approved the child's participation in the activity.

Section 46.28 *Activities to be performed outside the United States.* In addition to satisfying all other applicable requirements in

this subpart, an activity to which this subpart is applicable, which is to be conducted outside the United States, must include written documentation satisfactory to DHEW that the proposed activity is acceptable under the legal, social, and ethical standards of the locale in which it is to be performed.

SUBPART C—ADDITIONAL PROTECTION FOR CERTAIN CLASSES OF DHEW ACTIVITIES

Section 46.31 *Applicability.* (a) The regulations in this subpart are applicable to all Department of Health, Education, and Welfare research, development, or demonstration activities: (1) Involving pregnant women, unless there is a finding by DHEW that the activity will have no adverse effect on the fetus, or is clearly therapeutic with respect to the fetus involved; (2) involving the abortion or the non-viable fetus; or (3) involving in vitro fertilization of human ova.

(b) Nothing in this subpart shall be construed as indicating that compliance with the procedures set forth herein will in any way render inapplicable pertinent State or local laws bearing upon activities covered by this subpart.

(c) To the extent the requirements of subpart A of this part are applicable to activities also covered by this subpart, the requirements of this subpart are in addition to those imposed under subpart A.

Section 46.32 *Purpose.* It is the purpose of this subpart to provide additional safeguards in reviewing activities to which this subpart is applicable to assure that they conform to appropriate ethical standards and relate to important societal needs.

Section 46.33 *Definitions.* As used in this subpart:

(a) "DHEW" means the Department of Health, Education, and Welfare.

(b) "DHEW activity" means:

(1) The conduct or support (through grants, contracts, or other awards) of biomedical or behavioral research involving human subjects; or

(2) Research, development, or demonstration activities regulated by any DHEW agency.

(c) "Board" means the Board established under § 46.25.

(d) "Protection Committee" means a committee referred to in § 46.26.

(e) "Pregnancy" means the period of time from implantation of a fertilized ovum until delivery.

(f) "Fetus" means the product of conception from implantation until delivery.

(g) "Abortion" means the fetus when it has been expelled whole, whether spontaneously or as a result of medical or surgical intervention to terminate a pregnancy, prior to viability. This definition, for the purpose of this policy, excludes the placenta, fetal material which is macerated at the time of expulsion, a dead fetus, and isolated fetal tissue or organs excised from a dead fetus.

(h) "Viability of a fetus" means capability given the benefit of available therapy, of independently maintaining heart beat and respiration.

(i) "In vitro fertilization" means any fertilization of human ova which occurs outside the body of a female, through admixture of human sperm and such ova.

Section 46.34 *Duties of the Ethical Review Board.* (a) It shall be the function of the Board to review each activity to which this subpart applies and advise the agency concerning the acceptability of such activities from the standpoint of societal need and ethical considerations, taking into account the assessment of the appropriate Primary Review Committees as to: (1) The potential benefit of the proposed activity, (2) scientific merit and experimental design, (3) the sufficiency of studies involving animals dem-

onstrating the clear potential benefit of the proposed procedures and (4) whether the information to be gained may be obtained from further animal or adult human studies.

(b) The Board may recommend the establishment by the sponsoring institution of a Protection Committee to carry out such functions as the Board deems necessary.

Section 46.35 *Maternal consent to activities involving the abortion.* (a) No activity to which this subpart is applicable may involve an abortion or a non-viable fetus unless maternal consent has been obtained.

(b) No activity to which this subpart is applicable may involve an abortion or a non-viable fetus unless: (1) Individuals involved in the activity will have no part in the decision as to timing, method, or extent of the procedure used to terminate the pregnancy, or in determining viability of the fetus at the termination of the pregnancy; (2) vital functions of the abortion will not be maintained artificially for purposes of research; and (3) experimental procedures which would terminate heart beat or respiration in the abortion will not be employed.

Section 46.37 *Prohibition on certain activities involving pregnant women where the fetus may be adversely affected.* The Board shall review all research, development, and demonstration activities involving pregnant women. No activity to which this subpart is applicable may involve a pregnant woman if the Primary Review Committee finds that the fetus might be adversely affected, unless the primary purpose of the activity is to benefit that fetus. In addition, no activity to which this subpart is applicable may involve pregnant women unless all the requirements of this subpart are satisfied.

Section 46.38 *Parental consent to activities which might affect the fetus.* No activity involving a pregnant woman which might affect the fetus but which nevertheless is permissible under § 46.37 shall be conducted unless maternal consent has been obtained, as well as the consent of the father if he is available and capable of participating in the consent process.

Section 46.39 *Activities to be performed outside the United States.* In addition to satisfying all other applicable requirements in this subpart, activities to which this subpart is applicable, which are to be conducted outside the United States, must include written documentation satisfactory to DHEW that the proposed activity is acceptable under the legal, social, and ethical standards of the locale in which it is to be performed.

SUBPART D—ADDITIONAL PROTECTIONS FOR PRISONERS INVOLVED AS SUBJECTS IN DHEW ACTIVITIES

Section 46.41 *Applicability.* (a) The regulations in this subpart are applicable to all Department of Health, Education, and Welfare research, development, and demonstration activities involving prisoners as subjects.

(b) The requirements of this subpart are in addition to those imposed under subparts A and B of this part.

Section 46.42 *Purpose.* It is the purpose of this subpart to provide additional safeguards for activities to which this subpart is applicable inasmuch as the potential subjects in activities conducted thereunder, because of their incarceration, might be under constraints which could affect their ability to make a truly voluntary and uncoerced decision whether or not to participate in such activities.

Section 46.43 *Definitions.* As used in this subpart:

(a) "DHEW activity" means:

(1) the conduct or support (through grants, contracts, or other awards) of biomedical or behavioral research involving human subjects; or

(2) research, development, or demonstration activities regulated by any DHEW agency.

(b) "Prisoner" means any individual involuntarily confined in a penal institution. The term is intended to encompass individuals sentenced to such an institution under a criminal or civil statute and also individuals detained by virtue of statutes which provide alternatives to criminal prosecution.

(c) "DHEW" means the Department of Health, Education, and Welfare.

Section 46.44 *Additional duties of Organizational Review Committee where prisoners are involved.* (a) In carrying out its responsibilities under subpart A of this part for activities also covered by this subpart, the Organizational Review Committee provided for under subpart A shall also certify: (1) That there will be no undue inducements to participation by prisoners as subjects in the activity, taking into account among other factors, the sources of earnings generally available to the prisoners as compared with those offered to participants in the activity, (2) that the clinic and hospital facilities are adequate for the proposed activity, (3) that all aspects of the activity would be appropriate for performance on nonprisoners, and (4) that no prisoner will be offered any reduction in sentence or parole for participation in such activity which is not comparable to that offered for other activities at the facility not of a research, development, demonstration or similar nature.

(b) In addition, the Organizational Review Committee shall have the following duties: (1) To review, approve, or modify the procedures proposed for the Protection Committee in carrying out its functions as set forth in § 46.45; (2) To recommend any additional functions to be performed by the Protection Committee in connection with a particular activity; (3) To set rates of remuneration, if any, consistent with the anticipated duration, discomfort, and/or risk of the activity but not in excess of that paid for other employment generally available to inmates of the facility in question; and (4) To carry out such other responsibilities as may be stipulated by DHEW in the contract or grant award.

(c) Activities to which this subpart is applicable must provide for the designation of an Organizational Review Committee, where no such Committee has been established under subpart A.

Section 46.45 *Protection Committees; duties; composition.* (a) No activity covered by this subpart will be approved unless it provides for the establishment of a Protection Committee to carry out the following functions, as well as any others recommended by the Organizational Review Committee or by DHEW: (1) Reviewing the procedure for soliciting participation by prisoners in the research activity to determine that all elements of informed consent, as outlined in § 46.3, are satisfied; (2) overseeing the selection of prisoners who may participate in the activity; (3) monitoring the progress of the research and the continued willingness of subject participation; and (4) intervening on behalf of one or more subjects if conditions warrant. In addition, each subject will be informed of the name of a member of the Protection Committee who will be available to the subject for consultation concerning the activity.

(b) Each Protection Committee shall be composed of at least five members appointed by the applicant and so selected that the Committee will be competent to deal with the medical, legal, social, and ethical issues involved. At least one member of the Committee shall be either a prisoner or a representative of an organization having as a primary concern protection of the interests of prisoners.

No more than one-third of the members may be physicians or scientists engaged in biomedical or behavioral research, and no more than one member, other than a prisoners' representative, may have any affiliation with the prison facility or the legal entity having jurisdiction over the facility, except for persons employed by a Department of Education in a teaching capacity. Any prisoners serving on the Committee shall be compensated at a rate consistent with that set for prisoners participating as subjects in activities at the facility to which this subpart is applicable.

(c) The Protection Committee shall establish rules of procedure for conducting its activities which must be reviewed by DHEW, and shall conduct its activities at convened meetings, minutes of which shall be prepared and retained. The composition of the Committee shall be subject to DHEW approval.

Section 46.46 *Prohibition on participation in activities prior to conviction.* No individual confined pending arraignment, trial, or sentencing for an offense punishable as a crime may be used as a subject in any activity supported in whole or in part by a grant or contract to which this subpart is applicable.

Section 46.47 *Remuneration to subjects.* Where rates of remuneration are set pursuant to § 46.44 of this subpart, any subject who, for medical reasons, is required by a representative of the prison facility, grantee, contractor, or sponsor of the activity, to withdraw before completion of his or her participation in the activity shall continue to be compensated for a period to be set by the Protection Committee after consultation with the grantee or contractor.

Section 46.48 *Accreditation.* It is the intention of DHEW to accredit prison facilities as sites for the performance of activities to which this subpart applies. Accreditation will be based on certification of the acceptability of the facilities and compliance with the procedures required by this subpart, as determined by the Secretary. No activity covered by this subpart may involve prisoners incarcerated in a facility not accredited by Secretary of DHEW.

Section 46.49 *Activities to be performed outside the United States.* In addition to satisfying all other applicable requirements in this subpart, an activity to which this subpart is applicable, which is to be conducted outside the United States, must include written documentation satisfactory to DHEW that the proposed activity is acceptable under the legal, social, and ethical standards of the locale in which it is to be performed.

SUBPART E—ADDITIONAL PROTECTIONS FOR INSTITUTIONALIZED MENTALLY INFIRM INDIVIDUALS INVOLVED AS SUBJECTS IN DHEW ACTIVITIES

Section 46.51 *Applicability.* (a) The regulations in this subpart are applicable to all Department of Health, Education, and Welfare activities involving the institutionalized mentally infirm as subjects.

(b) Nothing in this subpart shall be construed as indicating that compliance with the procedures set forth herein in connection with activities permitted under § 46.54 of this subpart will necessarily result in a legally effective consent under applicable State or local law to a subject's participation in such an activity; nor in particular does it obviate the need for court approval of such participation where court approval is required under applicable State or local law in order to obtain a legally effective consent.

(c) The requirements of this subpart are in addition to those imposed under Subparts A, B, and D of this part.

Section 46.52 *Purpose.* It is the purpose of this subpart to provide additional safe-

guards for the mentally infirm involved in research, development, and demonstration activities, inasmuch as the potential subjects in such activities are: (1) Confined in an institutional setting; (2) might be unable fully to comprehend the type risks which may be involved; and (3) might be legally incompetent to consent to their participation in such activities.

Section 46.53 *Definitions.* As used in this subpart:

(a) "DHEW activity" means:
(1) The conduct or support (through grants, contracts, or other awards) of biomedical or behavioral research involving human subjects; or

(2) Research, development, or demonstration activities regulated by any DHEW agency.

(b) "Mentally infirm" includes the mentally ill, the mentally retarded, the emotionally disturbed, the psychotic, the senile, and others with impairments of a similar nature, regardless of whether or not the individual has been determined to be legally incompetent.

(c) "Institutionalized" means confined, whether by court order or voluntary commitment, in an institution for the care and/or treatment of the mentally infirm.

Section 46.54 *Limitations on activities involving the institutionalized mentally infirm.* No institutionalized mentally infirm individual may be included as a subject in a DHEW activity unless:

(a) The proposed activity is concerned with: (1) The diagnosis, treatment, prevention, or etiology of the impairment with which he or she is afflicted; or (2) the proposed activity is concerned with the effect of institutional life on the subject and involves no risk of harm to the subject; or (3) the information can be obtained only from such subjects.

(b) The individual's legal guardian has given consent to the individual's participation in such activity;

(c) Where the individual has sufficient mental competency to understand what is proposed and to express an opinion as to his or her participation, the individual's consent to such participation has also been secured; and

(d) The Protection Committee, provided for in § 46.56 of this subpart, has reviewed and approved subject participation in the activity (by class or by individual).

Section 46.55 *Additional duties of Organizational Review Committee where the mentally infirm are involved.* (a) In addition to its responsibilities under Subpart A of this part, the Organizational Review Committee shall, with respect to activities to which subpart applies:

(1) Certify that all aspects of the activity would be ethically appropriate for performance on healthy individuals;

(2) Conduct at least one on-site visit to the institution and prepare a report of the visit, including discussion of such matters as living conditions, availability of medical care, and quality of food, to be submitted to DHEW along with the application;

(3) Review and approve or modify the procedures proposed by the applicant to be followed by the Protection Committee, provided for in § 46.56, in overseeing the recruitment of the mentally infirm subjects who may be included in such activity;

(4) Recommend any additional functions to be performed by the Protection Committee in connection with any particular activity; and

(5) Carry out such other responsibilities as may be recommended by DHEW.

(b) Activities to which this subpart is applicable must provide for the designation of

an Organizational Review Committee where no such Committee has been established under subpart A.

Section 46.56 *Protection Committees; duties; composition.* (a) No activity covered by this subpart will be approved unless it provides for the establishment of a Protection Committee to carry out the following functions, as well as any others prescribed by the Organizational Review Committee or by DHEW: (1) Overseeing the process of selection of subjects who may be included in the activity, (2) monitoring the progress of the activity with special attention to adverse effects on subjects, (3) intervening on behalf of one or more of the subjects if conditions warrant, (4) evaluating the process and reasonableness of consent of the legal guardian and (where applicable) of the subject, and (5) advising the legal guardian and/or the subject concerning the latter's continued participation in the activity if conditions warrant.

(b) The composition of each Protection Committee shall conform to the requirements set forth in § 46.26(a).

(c) The Protection Committee shall establish rules of procedure for conducting its activities, which must be reviewed by DHEW, and shall conduct its activities at convened meetings, minutes of which shall be prepared and retained.

Section 46.57 *Activities to be performed outside the United States.* In addition to satisfying all other applicable requirements in this subpart, an activity to which this subpart is applicable, which is to be conducted outside the United States, must include written documentation satisfactory to DHEW that the proposed activity is acceptable under the legal, social, and ethical standards of the locale in which it is to be performed.

SUBPART F—GENERAL PROVISIONS

Section 46.61 *Applicability.* The following regulations are applicable to all activities covered by this part.

Section 46.62 *Records.* (a) Copies of all documents presented or required for initial and continuing review by any Organizational Review Committee or Protection Committee and minutes, transmittals on actions, instructions, and conditions resulting from committee deliberations are to be made part of the official files of the grantee or contractor for the supported activity.

(b) Records of subject's and representative's consent shall be retained by the grantee or contractor in accordance with its established practice, or, if no practice has been established, in project files.

(c) Acceptance of any DHEW grant or contract award shall constitute consent of the grantee or contracting organization to inspection and audit of records pertaining to the assisted activity by authorized representatives of the Secretary.

(d) All documents and other records required under this part must be retained by the grantee or contracting organization for a minimum of three years following termination of DHEW support of the activity.

Section 46.63 *Reports.* Each organization with an approved assurance shall provide the Secretary with such reports and other information as the Secretary may from time to time prescribe.

Section 46.64 *Early termination of awards; sanctions for noncompliance.* (a) If, in the judgment of the Secretary, an organization has failed to comply with the terms of this part with respect to a particular Federal activity, he may require that said grant or contract be terminated or suspended in the manner prescribed in applicable grant or procurement regulations.

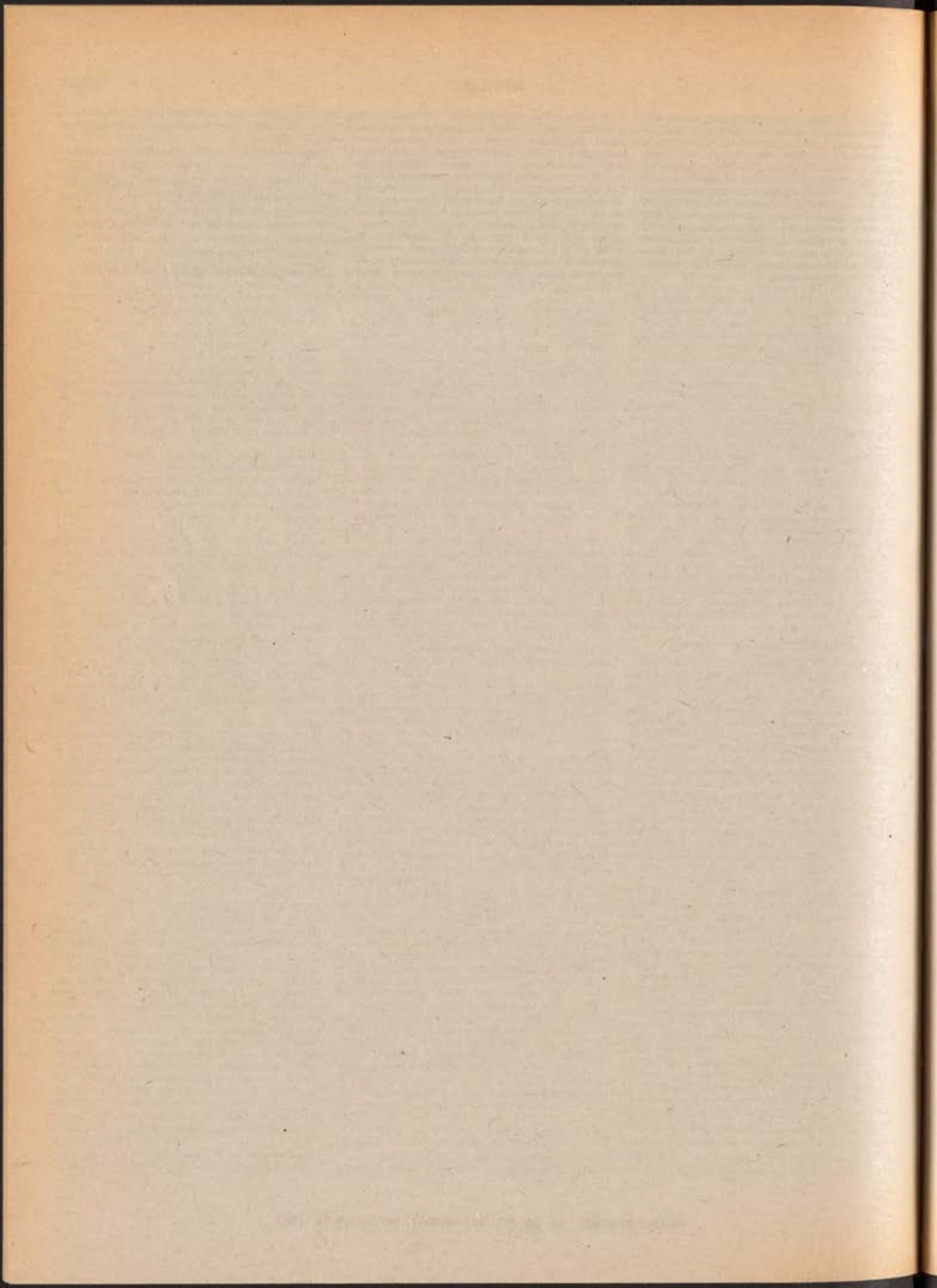
(b) If, in the judgment of the Secretary, an organization fails to discharge its responsibilities for the protection of the rights and welfare of the subjects in its care, whether or not DHEW funds are involved, he may, upon reasonable notice to the organization of the basis for such action, determine that its eligibility to receive further DHEW grants or contracts or participate in DHEW assisted activities, involving human subjects, shall be terminated. Such disqualification shall continue until it is shown to the satisfaction of the Secretary that the reasons therefor no longer exist.

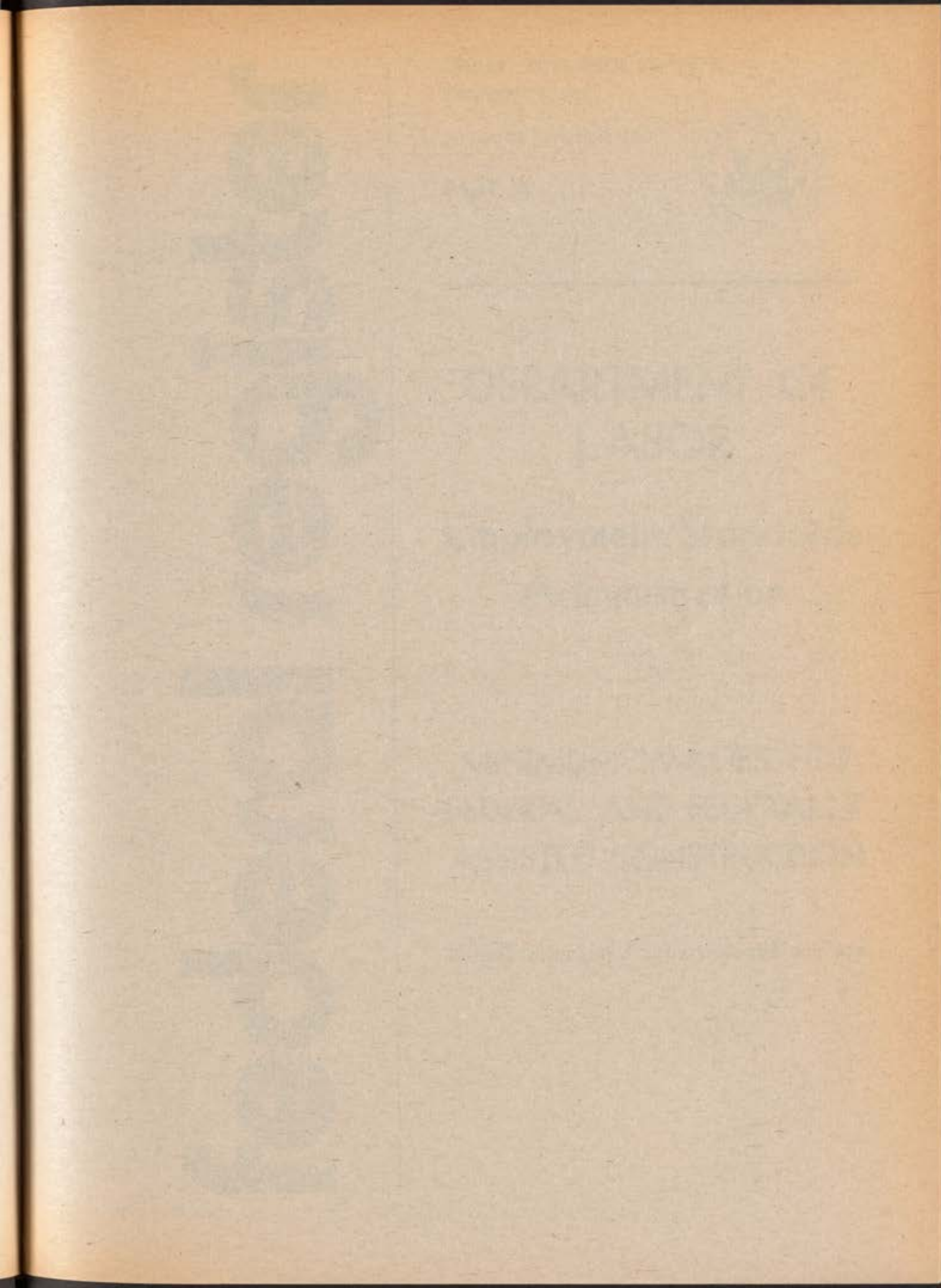
(c) If, in the judgment of the Secretary, an individual serving as principal investigator, program director, or other person having responsibility for the scientific and technical direction of a project or activity, has failed to discharge her or his responsibilities for the protection of the rights and welfare of human subjects in his or her care, the Secretary may, upon reasonable notice to the individual of the basis for such action, determine that such individual's eligibility to serve as a principal investigator or program director or in another similar capacity shall be terminated. Such disqualification shall

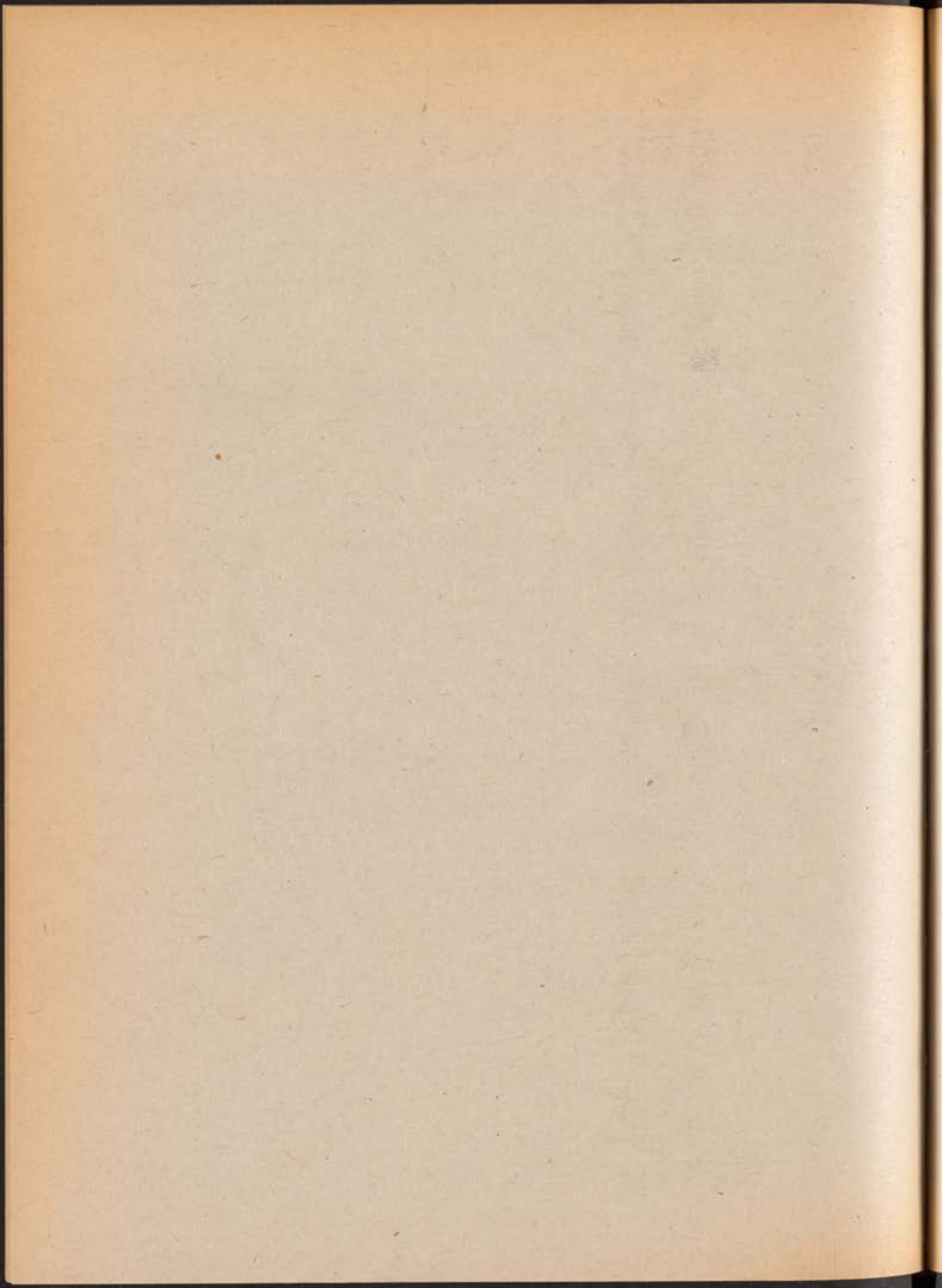
continue until it is shown to the satisfaction of the Secretary that the reasons therefor no longer exist.

Section 46.65 *Conditions*. The Secretary may with respect to any activity or any class of activities impose conditions, including conditions pertaining to informed consent, prior to or at the time of the approval of any activity when in the Secretary's judgment such conditions are necessary for the protection of human subjects.

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PART III



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas 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 (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following the 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 provision 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 supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

Modifications to general wage determination decisions. Modifications to General Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Arkansas:	
AQ-2	July 13, 1973
Florida:	
AP-196	June 8, 1973
Hawaii:	
AQ-1039; AQ-1040	Sept. 21, 1973
Iowa:	
AQ-12; AQ-17	Aug. 3, 1973
AQ-19; AQ-20	Aug. 24, 1973
Kansas:	
AQ-36	Oct. 24, 1973
Maryland:	
AQ-2004	Aug. 10, 1973
AQ-2022	Oct. 19, 1973
Missouri:	
AP-534	July 6, 1973
Nevada:	
AP-264	Mar. 9, 1973
AP-266	Mar. 30, 1973
AP-269	Mar. 16, 1973
AP-290	Apr. 6, 1973
AQ-1036	Sept. 14, 1973
New Jersey:	
AP-809; AP-810	May 11, 1973
AP-826; AP-828; AP-829	May 18, 1973
AP-836; AP-837; AP-838	
AP-839; AP-840; AP-841	May 25, 1973
AP-846	June 8, 1973
New Mexico:	
AQ-35	Oct. 12, 1973
North Carolina:	
AP-161	Mar. 2, 1973
Oklahoma:	
AQ-23	Aug. 31, 1973
Pennsylvania:	
AP-834	Aug. 24, 1973
AQ-2018	Aug. 24, 1973
AQ-2027	Oct. 26, 1973
Texas:	
AQ-28; AQ-29	Sept. 28, 1973
AQ-37	Oct. 19, 1973
AQ-40; AQ-41	Oct. 26, 1973
Utah:	
AQ-1017	Aug. 31, 1973
Vermont:	
AP-857	June 8, 1973
Virginia:	
AP-858	June 29, 1973
Washington, D.C.:	
AQ-2005	Aug. 10, 1973

Supersedeas Decisions to General Wage Determination Decisions. Supersedeas Decisions to General Wage Determination Decisions for the following States (the numbers of the decisions being superseded and dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded):

Delaware:	
AQ-2002(AQ-2029)	July 27, 1973
Florida:	
AP-198(AQ-4033)	June 8, 1973
Kansas:	
AP-531(AQ-44)	May 25, 1973
Missouri:	
AP-531(AQ-44)	May 25, 1973
Pennsylvania:	
AP-479(AQ-2030)	Mar. 2, 1973
Texas:	
AQ-10(AQ-45)	Aug. 3, 1973

Signed at Washington, D.C., this 9th day of November 1973.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

Basic Monthly Rates	Fringe Benefits Payments					Basic Monthly Rates	Fringe Benefits Payments				
	M & W	Feathers	Vacation	App. Tr.	Others		M & W	Feathers	Vacation	App. Tr.	Others
DECISION #80-1039 - Mod. #1 (38 FR 26565 - September 21, 1973) Statewide, Hawaii						\$6.80	.43	.70			
Change: Asbestos Workers											.03
Electricians:						6.80	.41	134.95	7.22		.15
Line equipment operator						7.56	.41	134.95	7.22		.15
Electricians; linemen						8.32	.41	134.95	7.22		.15
Cable splicers						6.85	.49	.30			.02
Roofers						7.75	.45	.90	7.742		.15
Sheet Metal Workers						8.90	.40	.60			.07
Sprinkler Fitters											
DECISION #80-1040 - Mod. #1 (38 FR 26570 - September 21, 1973) Statewide, Hawaii						6.80	.43	.70			
Change: Asbestos Workers											.03
Electricians:						6.80	.41	134.95	7.22		.15
Line equipment operator						7.56	.41	134.95	7.22		.15
Electricians; linemen						8.32	.41	134.95	7.22		.15
Cable splicers						6.85	.49	.30			.02
Roofers						7.75	.45	.90	7.742		.15
Sheet Metal Workers						8.90	.40	.60			.07
Sprinkler Fitters											

MODIFICATIONS P. 1

Basic Monthly Rates	Fringe Benefits Payments					Basic Monthly Rates	Fringe Benefits Payments				
	M & W	Feathers	Vacation	App. Tr.	Others		M & W	Feathers	Vacation	App. Tr.	Others
DECISION #80-196 - Mod. #3 (38 FR 10530 - May 13, 1973) Union County, Arkansas						\$6.70					
Change: Bricklayers											
DECISION #80-196 - Mod. #3 (38 FR 15220 - June 8, 1973) Bay County, Florida						\$7.70	.35	.50	d	.02	
Change: Plumbers & pipefitters											
Footnote: d. 4 paid holidays: Labor Day, Christmas Day, Christmas Eve, & Thanksgiving Day.											
Add: Plumbers & pipefitters: Tyndall AFB Remainder of Bay County						4.80 5.25	.15	.15			

"Site Preparation & Grading"

POWER EQUIPMENT OPERATORS

Group I

Asphalt Paver and Spreader; Auto Grader; Back Hoe; Blade Operator, all types; Rollers - 2; Rooster Pump on Dredge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator - 2; Concrete Plant Operator - Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Berrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineer; Dredge Operator; Drillcat with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, self-propelled; High Loader - Fork Lift; Locomotive Operator, Standard Gauge; Mechanics and Welders; Maintenance Operator; Mocking Machine; Pile Driver Operator; Pitman Crane Operator; Pump - 2; Quad-Trac; Scoop Operator - all types; Scoops in Tander; Self-Propelled Rotary Drill (laroy or Equal - not A. Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cuts; Skimmer Scoop Operator; Throttle Man; Truck Crane; Welding Machine Maintenance Operator - 2; Hoisting Engine-2 active drums

Group II

"A" Prime Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Asphalt Roller Operators; Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry - Power Operated; Concrete Mixer Operator, Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser; Hoisting Engine - 1 drum; Lathhouse Rooter; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Stump Cutting Machine; Towboat Operator; Tractor Operator - over 50 HP

Group III

Boilers - 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator - 1; Concrete Saw, Self-Propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Oilier Driver, all types; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than High Type Asphalt; Screening and Washing Plant Operator,

Group III (Cont'd)

Self-Propelled Street Broom or Sweeper; Signposts and Jests; Sub-Grading Machine Operator; Tank Car Heater Operator - Combination Boiler and Booster; Tractor - 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1

Group IV

Mechanic's Helper; Oilier; Clamshells, 3 yd. capacity or over; Crane or rigs, 80 ft. of boom or over (including jib); Draglines, 3 yd. capacity or over; Pile Drivers, 80 ft. of boom or over (including jib); Shovels, 3 yd. capacity or over

Crane or rigs, over 200 ft. of boom (including jib)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.

Basic Hourly Rates	H & W	Presidents	Vice-pres	App. Tr.	Others
8.30	.50	.50	.50	.10	
7.80	.50	.50	.50	.10	
9.05	.50	.50	.50	.10	
9.30	.50	.50	.50	.10	

MODIFICATIONS P. 6

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
	H & W	Pensions	Vacation	App. Tr.		
DECISION PAP-534 - Mod. #3 (38 FR 18141 - July 6, 1973) St. Louis & St. Charles Counties, Missouri						
Change: Heavy & Highway Construction St. Charles County Laborers Schedule Power Equipment Operators Schedule						

MODIFICATIONS P. 7

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
	H & W	Pensions	Vacation	App. Tr.		
Decision No. 40-2004 - Mod. #4 (38 FR 21711 - August 10, 1973) Anne Arundel County, Maryland						
CHANGE: Building & Heavy Const. I All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arnager and Ft. Smallwood Carpenters, soft floor layers & gildedrivemen Plumbers	\$7.94 8.68	.60 .35	.45 .40	.07 .06		
Decision No. 40-2022 - Mod. #1 (38 FR 29182 - October 19, 1973) Baltimore City and Baltimore County, Maryland						
CHANGE: Carpenters Piledrivemen Plumbers Soft floor layers - resilient floor layers Sprinkler Fitters: Baltimore City	\$7.94 7.94 8.68 7.94 8.60	.60 .60 .35 .60 .40	.45 .45 .40 .45 .60	.07 .07 .06 .07 .10		

POWER EQUIPMENT OPERATORS

Asphalt finishing machine & trench widening spreader; Asphalt plant concrete mixer; Autograde; Automatic slipform paver; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Climahell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Lattice Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge booster pump; Dredge Engineer; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine, Rotary, Self-propelled; Right loader; Hoisting Engine - 2 active drums; Launching Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mocking Machine; Piledriver Operator; Pile Driver Crane Operator; Push cat operator; Quad track Scoop operator - all types; Shovel operator; Sideboom Cat; Skinner Scoop Operator; Trenching Machine Operator; Truck Crane

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & V	Pension	Vacation	App. Tc.	
8.50	.35	.40		.02	

A-Frame; Asphalt hot-mix silo; Asphalt plant fireman (drum or boiler); Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator, Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Grader Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Grasser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement Breaker; Powerboom - self-propelled; Power shield; Rooster; Side discharge concrete spreader; Slip Form Finishing Machine; Stumpcutting Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2; Winch Truck

POWER EQUIPMENT OPERATORS (Cont'd)					Basic Hourly Rates	Fringe Benefits Payments				Others
						H & V	Pension	Vacation	App. Tc.	
Boilers-1; Chip Spreader (front man); Chain Drill Operator; Chief Plane Operator; Compressor Maintenance Operator-1; Concrete Saw Operator (self-propelled); Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Firearm-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Oil Driver; Pugmill Operator; Pump Maintenance Operator; other than dredge; Roller Operator, other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination boiler & booster); Tractor Operator (50 H.P. or less); Umac, Ulvic or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1					8.10	.35	.40		.02	
1										
Oiler					7.50	.35	.40		.02	
Dragline Operator-3 yrs. & over; Shovel-3 yrs. & over; Clamshell-3 yrs. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums					8.75	.35	.40		.02	
Scoop Operator; tandem; Crane, rigs or piledrivers, 200' of boom or over (incl. jib)					9.00	.35	.40		.02	

DECISION #42-534 (CONT'D.)

MODIFICATIONS P. 11
MO. 25 - LAB - 2,3

(1-2)

DECISION #42-534 (CONT'D.)

MODIFICATIONS P. 12

MO. 25 - LAB - 2,3

(2-2)

Basic Monthly Rates	Fringe Benefits Payments				Basic Monthly Rates	Fringe Benefits Payments			
	H & W	Pension	Vacation	Adv. Tr.		H & W	Pension	Vacation	Adv. Tr.
LABORERS:									
General Labor									
Carpenter Tenders; Salvander Tenders; Dump Van and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Blms, Hoppers and Conveyors; Truck Van and all other General Laborers.	\$6.925	.30	.40	.10					
First Semi-Skill									
Air Tool Operator; Cement Handler-Bulk or Sack; Dump Van on Earth Fill; George Buggie Van; Material Batch Hopper Van; Scale Van; Spreader on Asphalt Machine; Material Mixer Van (except on rainholes); Coffin Pans; Elong Pavers-Rock, Block or Brick; Signal Van; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in Connection with Hydraulic or General Dredging Operations; Form Setter Builders; Puddlers (Paving only); Straw Blower Workman.	7.075	.30	.40	.10					
Second Semi-Skill									
Asphalt Plant Platform Van; Chuck Tender; Crusher Feeder; Men Handling Concrete Ties or Concrete Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Road Pipe Layer on Sewer Work; Topper of Standing Trees; Rustler Round Van on Pipe and Ditch Work; Vibrator Van; Feeder Van on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; File Dice and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men working in Coiler Bays for Bridge Piers and Footings in the River.	7.225	.30	.40	.10					
Third Semi-Skill									
Later Beam Van; Asphalt Baker; Barco Taper; Jackson or any other similar Pump; Mason Driller; Churn Drills; Air Track Drills; All other similar Drills; Cutting Torch Van; Form Setters; Liners and Stringline Van on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operator; Van on Brick or Block Vanholes; Sand Blasting and Grout Mosaic Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Van; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from Scaffolds, Booms' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Trade Checker on Cuts and Fills.	\$7.425	.30	.40	.10					
Fourth Semi-Skill									
Vanhole Builders-Brick or Block; Dynamite and Powder Men; Welder	7.675	.30	.40	.10					

Basic Hourly Rates	Fringe Benefits Projections				Other
	H & W	Pensions	Vacation	App. To	
DECISION #AP-264 - Mod. #3 (38 FR 6354 - March 9, 1973) Statewide, Nevada Change: Ironworkers: Remainder of State Fence Erectors Reinforcing Ornamental; Structural Plumbers Nye (North of Highway #6), and Remaining Counties	.73 .73 .73 .73 .53	.975 .975 .975 .975 .60	.85 .85 .85 .85 1.95	.02 .02 .02 .02 .07	
DECISION #AP-265 - Mod. #4 (38 FR 8395 - March 30, 1973) Clark, Lincoln and Nye (South of Highway #6) excluding the Nevada Test Site Counties, Nevada Change: Line Construction: Linemen Cable splicers	.43 .43 .43	1% 1%		1/2% 1/2%	
DECISION #AP-269 - Mod. #5 (38 FR 7190 - March 16, 1973) Washoe County, Nevada Change: Brick Tenders: Zone A Zone B Zone C Ironworkers: Fence Erectors Reinforcing Ornamental; Structural Plaster Tenders Plumbers; Steamfitters Sheet Metal Workers	6.80 7.11 7.46 8.64 8.75 8.78 7.30 7.85 8.38	.45 .45 .45 .73 .73 .73 .45 .53 .69	.45 .45 .45 .975 .975 .975 .45 .60 1.35	.02 .02 .02 .85 .85 .85 .02 1.95 10%	

Basic Hourly Rates	Fringe Benefits Projections				Other
	H & W	Pensions	Vacation	App. To	
DECISION #AP-290 - Mod. #4 (38 FR 8914 - April 6, 1973) Clark (excluding the Nevada Test Site) County, Nevada Change: Line Construction: Linemen Cable splicers	.43 .43 .43	1% 1%		1/2% 1/2%	
DECISION #AQ-1036 - Mod. #1 (38 FR 25838 - September 14, 1973) Churchill, Douglas, Elko, Humboldt, Lander, Lyon, Mineral, Ormsby, Pershing, Storey, and Washoe Counties, Nevada Change: Brick Tenders: Zone A Zone B Zone C Ironworkers (Remaining Counties): Fence Erectors Reinforcing Ornamental; Structural Plaster Tenders Plumbers; Steamfitters Sheet Metal Workers	6.80 7.11 7.46 8.64 8.75 8.78 7.30 7.85 8.38	.45 .45 .45 .73 .73 .73 .45 .53 .69	.45 .45 .45 .975 .975 .975 .45 .60 1.35	.02 .02 .02 .85 .85 .85 .02 1.95 10%	

MODIFICATIONS P. 15

DECISION # AP-809 - Mod. # 3
(38 FR 12561 - May 11, 1973)
Atlantic & Cape May Counties
New Jersey

Onlt:	Rate	H & W	Pension	Vacation	App. To	Comments
Laborers, Heavy & Highway Construction schedule originally issued						
ADD:						
HEAVY AND HIGHWAY CONSTRUCTION						
blasters:						
finishers, rammer, paver & gunnite	\$7.15	.41	.59	a		
nozzle man and atomocutter	6.85	.41	.59	a		
timberman	6.80	.41	.59	a		
form setters	6.85	.41	.59	a		
gradesman	6.85	.41	.59	a		
sewer pipe, laser men, conduit & duct	6.35	.41	.59	a		
line layers	6.65	.41	.59	a		
wagon drill op., & drill masters						
wagon drill op. helper & drill master						
helper, powder carrier, magazine						
tender	6.30	.41	.59	a		
jackhammer, chipping hammer, pavement						
breaker, power buggy, concrete cutter,						
asphalt cutter, sheet hammer & tree						
cutter op., & such other power tools	6.65	.41	.59	a		
used to perform work usually done	6.35	.41	.59	a		
manually by laborers	8.25	.41	.59	a		
signal man						
wrapping and coating of all pipe						
common laborers, landscape laborers,						
railroad truck man, flagman, salaman-	6.15	.41	.59	a		
der tenders, pitman & dumpmen	8.57	.41	.59	a		
rock shafts and tunnel work:						
blasters	8.17	.41	.59	a		
miners, drill runners, jacking pipe &						
other skilled workers						
miners' helpers, chuck tenders, nipper	8.01	.41	.59	a		
powder carriers & all other semi-	8.01	.41	.59	a		
skilled men						
form erectors and form movers						
bell man or signal man in shaft bottom,	8.01	.41	.59	a		
brakeman, trackman, shaft & tunnel						
laborers	8.01	.41	.59	a		
top laborers	7.5025	.41	.59	a		
PAID BENEFITS:						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
FOOTNOTE:						
Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before & 5 working days after the day upon which the holiday falls).						

MODIFICATIONS P. 16

DECISION # AT-810 - Mod. # 2
(28 FR 12567 - May 11, 1973)
Sergeon County, New Jersey

Onit:	Heavy Refr	H & W	Pension	Vacation	App. To	Com
Laborers, Heavy & Highway Construction schedule originally issued						
ADD:						
HEAVY & HIGHWAY CONSTRUCTION						
Laborers:						
Blasters						
Finishers, rammer, paver and gunnite						
nozzle man	\$7.65	.41	.59	a		
Timberman	7.50	.41	.59	a		
Form setters	7.25	.41	.59	a		
Gradesman	7.20	.41	.59	a		
Sewer pipe, conduit & duct line layers	7.10	.41	.59	a		
Wagon drill op., & drill masters	7.00	.41	.59	a		
Wagon drill op., helper & drill master	7.10	.41	.59	a		
helper	6.75	.41	.59	a		
Jackhammer, chipping hammer, pavement						
breaker, power buggy, concrete cutter,						
asphalt cutter, sheet hammer & tree						
cutter op., and such other power tools						
used to perform work usually done man-						
ually by laborers	7.10	.41	.59	a		
Signal man	6.80	.41	.59	a		
Wrapping & coating of all pipe	6.60	.41	.59	a		
Common laborers, landscape laborers,						
railroad track laborers, rubber tamp-						
ers on cold patch work, flapman salaman-						
der tenders, pitman & dumpmen	6.55	.41	.59	a		
Rock Shafts and Tunnel Work						
Blasters	8.52	.41	.59	a		
Miners, drill runners, jacking pipe						
and other skilled workers	8.12	.41	.59	a		
Miners' helpers, chuck tenders, nippers						
& powder carriers	7.96	.41	.59	a		
Form erectors and form movers	7.96	.41	.59	a		
Bell man or signal man in shaft bottom,						
brakeman, trackman, shaft and tunnel						
laborers	7.96	.41	.59	a		
Top laborers	7.525	.41	.59	a		
PAID BENEFITS:						
New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;						
Christmas Day.						
FOOTNOTE:						
Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election						
Day; (providing employee works 3 days for the same employer within a period of 10						
working days consisting of 5 working days before and 1 working days after the day						
upon which the holiday falls).						

MODIFICATIONS P. 19

ORDINANCE # AP-129 - Mod. # 2

(38 FR 13212 - May 18, 1973)
Burlington County, New Jersey

Cmt:

Laborers, Heavy & Highway Construction schedule originally issued

Add:

HEAVY AND HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Retirement	Vacation	App. Fr.	
\$7.15	.41	.59	a		
6.85	.41	.59	a		
6.80	.41	.59	a		
6.85	.41	.59	a		
6.85	.41	.59	a		
6.55	.41	.59	a		
6.65	.41	.59	a		
6.30	.41	.59	a		
6.65	.41	.59	a		
6.35	.41	.59	a		
6.25	.41	.59	a		
6.15	.41	.59	a		
8.57	.41	.59	a		
8.17	.41	.59	a		
8.01	.41	.59	a		
8.01	.41	.59	a		
8.01	.41	.59	a		
7.5025	.41	.59	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday, Armistice Day, Presidential Election Day (providing employee works 3 days for same employer within a period of 10 working days consisting of 3 working days before & 3 working days after the day upon which the holiday falls).

MODIFICATIONS P. 20

ORDINANCE # AP-136 - Mod. # 2

(38 FR 13951 - May 23, 1973)

Camden & Gloucester Counties New Jersey

Cmt:

Laborers, Heavy & Highway Construction schedule originally issued

Add:

HEAVY AND HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Retirement	Vacation	App. Fr.	
\$7.15	.41	.59	a		
6.85	.41	.59	a		
6.80	.41	.59	a		
6.85	.41	.59	a		
6.85	.41	.59	a		
6.55	.41	.59	a		
6.65	.41	.59	a		
6.30	.41	.59	a		
6.65	.41	.59	a		
6.35	.41	.59	a		
6.25	.41	.59	a		
6.15	.41	.59	a		
8.57	.41	.59	a		
8.17	.41	.59	a		
8.01	.41	.59	a		
8.01	.41	.59	a		
8.01	.41	.59	a		
7.5025	.41	.59	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday, Armistice Day, Presidential Election Day (providing employee works 3 days for same employer within a period of 10 working days consisting of 3 working days before & 3 working days after the day upon which the holiday falls).

NOTIFICATIONS P. 22

DECISION 17-538 - Mod. # 1
(38 FR 13943 - May 23, 1973)
Middlesex County, New Jersey

Unit:
Laborers, Heavy & Highway Construction schedule originally issued

Add:

HEAVY & HIGHWAY CONSTRUCTION

Laborers:

Blasters
Finishers, rammer, paver and gunnite
nozzle man
Timberman
Form setters
Gradesman
Sewer pipe, conduit & duct line layers
Wagon drill op., & drill masters
Wagon drill op., helper & drill master
helper
Jackhammer, chipping hammer, pavement
breaker, power buggy, concrete cutter
asphalt cutter, sheet hammer & tree
cutter op., and such other power tools
used to perform work usually done man-
ually by laborers
Signal man
Wrapping & coating of all pipe
Common laborers, landscape laborers,
railroad track laborers, rakers temp-
ers on cold patch work, flagman salan-
der tenders, pitman & dumper
Rock Shiffs and Tunnel Work
Blasters
Miners, drill runners, jacking pipe
and other skilled workers
Miners' helpers, chock tenders, nippers
& powder carriers
Form erectors and form movers
Bell man or signal man in shaft bottom,
brakeman, trackman, shaft and tunnel
laborers
Top laborers

PAID 2011/11/15:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanks Giving Day;
F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday, Armistice Day; Presidential Election Day;
(providing employee works 3 days for the same employer within a period of 10 working days
upon which the holiday falls).

NOTIFICATIONS P. 21

DECISION 17-537 - Mod. # 1
(38 FR 13957 - May 23, 1973)
Camden County, New Jersey

Unit:
Laborers, Heavy & Highway Construction schedule originally issued

Add:

HEAVY AND HIGHWAY CONSTRUCTION

Laborers:

Blasters
Finishers, rammer, paver & gunnite
nozzle man and stonecutter
Timberman
Form setters
Gradesman
Sewer pipe, inner man, conduit & duct
line layers
Wagon drill op., & drill masters
Wagon drill op., helper & drill master
helper, powder carrier, magazine
tender
Jackhammer, chipping hammer, pavement
breaker, power buggy, concrete cutter,
asphalt cutter, sheet hammer & tree
cutter op., & such other power tools
used to perform work usually done
manually by laborers
Signal man
Wrapping and coating of all pipe
Common laborers, landscape laborers,
railroad track man, flagman, salaman-
der tenders, pitman & dumper
Rock Shiffs and Tunnel Work
Blasters
Miners, drill runners, jacking pipe &
other skilled workers
Miners' helpers, chock tenders, nipper
powder carriers & all other semi-
skilled men
Form erectors and form movers
Bell man or signal man in shaft bottom,
brakeman, trackman, shaft & tunnel
laborers
Top laborers

PAID 2011/11/15:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanks Giving Day;
F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday, Armistice Day, Presidential Election Day;
(providing employee works 3 days for the same employer within a period of 10 working days
consisting of 5 working days after the day upon which the
holiday falls).

Mod. AP-839

Q

MODIFICATIONS P. 23

DECISION #AP-839 - Mod. #1
(38 FR 13911 - May 25, 1973)
Monmouth County, New Jersey

Unit:

Heavy & Highway Construction:
Hightstown diagonally to Ocean Grove
Remainder of County

Add:

Heavy & Highway Construction schedules attached.

Hightstown diagonally to Ocean Grove
and South thereof.

HEAVY AND HIGHWAY CONSTRUCTION

Laborers:

Blasters
Finishers, rammer, paver & gunnite
hoist man and stonecutter
Timberman
Form setters
Gradsman
Sewer pipe, laser men, conduit & duct
line layers
Wagon drill op., & drill masters
Wagon drill op. helper & drill master
helper, powder carrier, magazine
tender
Jackhammer, chipping hammer, pavement
breaker, power buggy, concrete cutter,
asphalt cutter, sheet hammer & tree
cutter op., & such other power tools
used to perform work usually done
manually by laborers
Signal man
Wrapping and coating of all pipe
Common laborers, landscape laborers,
railroad track man, flagman, salaman-
der tenders, pitmen & dumpmen
Rock Shafts and Tunnel Works
Blasters
Miners, drill runners, jacking pipe &
other skilled workers
Miners' helpers, chuck tenders, nipper
powder carriers & all other semi-
skilled men
Form erectors and form movers
Bell man or signal man in shaft bottom,
brakesman, trackman, shaft & tunnel
laborers
Top laborers

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; Washington's Birthday; Armistice Day, Presidential Election Day
(providing employee works 3 days for some employer within a period of 10 working days
consisting of 5 working days before & 5 working days after the day upon which the
holiday falls).

MODIFICATIONS P. 24
NJ-1-LAB-2-3-8

Basic Hourly Rates	Fringe Benefits Payments				Overtime
	H & W	Pensions	Vacation	App. In.	
97.15	.41	.59	a		
6.85	.41	.59	a		
6.80	.41	.59	a		
6.85	.41	.59	a		
6.85	.41	.59	a		
6.55	.41	.59	a		
6.65	.41	.59	a		
6.30	.41	.59	a		
6.65	.41	.59	a		
6.25	.41	.59	a		
6.15	.41	.59	a		
8.57	.41	.59	a		
8.17	.41	.59	a		
8.01	.41	.59	a		
8.01	.41	.59	a		
8.01	.41	.59	a		
7.5025	.41	.59	a		

MODEL: CATIONS: 2, 26

DECISION #AP-840 - Mod. # 1
(30 FR 13978 - May 23, 1973)
Morris County, New Jersey

Cost: \$

Laborers, Heavy & Highway Construction schedule originally issued

Add:
HEAVY & HIGHWAY CONSTRUCTION

abovers:

Blasters
Fishboats, former, cover and pontoon

MODIFICATIONS P. 15

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

1870

THE HISTORY OF THE

Taboers:

Laborens:

Plasters
Fibers, rammed, pever and gunite

MODIFICATIONS P. 27

DECISION JAP-844 - Mod. # 1
(38 FR 13963 - May 25, 1973)
Ocean County, New Jersey

Onit:

Laborers, Heavy & Highway Construction schedule originally issued

Add:

HEAVY AND HIGHWAY CONSTRUCTION

Laborers:

Blasters
Finishers, runner, paver & gunnite
nozzle man and stonecutter
Timberman
Form setters
Gradesman
Sewer pipe, laser man, conduit & duct
line layers
Wagon drill op., & drill masters
Wagon drill op. helper & drill master
tender
Jackhammer, chipping hammer, pavement
breaker, power buggy, concrete cutter,
asphalt cutter, sheet hammer & tree
cutter op., & such other power tools
used to perform work usually done
manually by laborers
Signal man
Wrapping and coating of all pipe
Common laborers, landscape laborers,
railroad track man, flagman, salaman-
der tenders, pitmen & dumpmen
Beck Shafts and Tunnel Works
Blasters
Miners, drill runners, jacking pipe &
other skilled workers
Miners' helpers, chuck tenders, nipper
powder carriers & all other semi-
skilled man
Form erectors and form movers
Bell man or signal man in shaft bottom,
brakeman, trackman, shaft & tunnel
laborers
Top laborers

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: Washington's Birthday, Armistice Day, Presidential Election Day (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before & 5 working days after the day upon which the holiday falls).

MODIFICATIONS P. 28

DECISION JAP-844 - Mod. # 1
(38 FR 15333 - June 8, 1973)
Union County, New Jersey

Onit:

Laborers, Heavy & Highway Construction schedule originally issued

Add:

HEAVY & HIGHWAY CONSTRUCTION

Laborers:

Blasters
Finishers, runner, paver and gunnite
nozzle man
Timberman
Form setters
Gradesman
Sewer pipe, conduit & duct line layers
Wagon drill op., & drill masters
Wagon drill op., helper & drill master
helper
Jackhammer, chipping hammer, pavement
breaker, power buggy, concrete cutter,
asphalt cutter, sheet hammer & tree
cutter op., and such other power tools
used to perform work usually done man-
ually by laborers
Signal man
Wrapping & coating of all pipe
Common laborers, landscape laborers,
railroad track laborers, rebar tam-
pers on cold patch work, flagman salaman-
der tenders, pitmen & dumpmen
Beck Shafts and Tunnel Works
Blasters
Miners, drill runners, jacking pipe
and other skilled workers
Miners' helpers, chuck tenders, nipper
& powder carriers
Form erectors and form movers
Bell man or signal man in shaft bottom,
brakeman, trackman, shaft and tunnel
laborers
Top laborers

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: Washington's Birthday, Armistice Day, Presidential Election Day (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before & 5 working days after the day upon which the holiday falls).

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Vacation	App. In.	Other		M & W	Vacation	App. In.	Other
\$7.15	.41	.59			\$7.65	.41	.59		
6.85	.41	.59			7.30	.41	.59		
6.80	.41	.59			7.25	.41	.59		
6.85	.41	.59			7.20	.41	.59		
6.85	.41	.59			7.10	.41	.59		
6.55	.41	.59			7.00	.41	.59		
6.65	.41	.59			7.10	.41	.59		
6.30	.41	.59			6.75	.41	.59		
6.65	.41	.59			7.10	.41	.59		
6.35	.41	.59			6.80	.41	.59		
6.25	.41	.59			6.60	.41	.59		
6.15	.41	.59			6.55	.41	.59		
6.57	.41	.59			8.52	.41	.59		
8.17	.41	.59			8.12	.41	.59		
8.01	.41	.59			7.96	.41	.59		
8.01	.41	.59			7.96	.41	.59		
8.01	.41	.59			7.96	.41	.59		
7.5025	.41	.59			7.4325	.41	.59		

NOTICES

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DECISION #A-35 - Mod. 83
(36 FR 28539 - October 12, 1973)
Statewide, New Mexico

Oil:
Electricians (Chaves, Lincoln, Curry and Roosevelt Counties):
The following rates shall be designated from the main post office of Roswell, Budozo, Portales and Carrizozo:
Painters (Luna, Otero and Dona Ana Counties):
Radio towers, water tanks, smoke stacks:
300 to 400 feet - 50¢ above scale
400 feet and over - 75¢ above scale
Truck Drivers (General Building and Heavy Engineering Construction):
Dump or batch truck, under 8 cu. yds. W.C. Flat bed (hobtail) 2 ton and under, warehousemen including material checker
Distributor driver, truck and trailer (flat-bed or semi-trailer driver, dump truck 16 to 20 cu. yds. V.L.C. Lumber carrier driver-young-buggy or similar equipment driver, transit mix, driver-scissor truck
Dumper and dumpcrete driver, water, fuel and oil truck driver, 3000 to 6000 gal., capacity, lowboy light equipment driver
Boiled diesel powered turnarocker terra cobra, D.W.-10, D.W.-20, Le Tourneau pulls and similar diesel powered equipment when used to haul materials and assigned to a teamster.
Locboy heavy equipment driver, water, fuel and oil trucks drivers 6000 gal. capacity and over
Dump truck 8 to 16 cu. yds. (water level) driver, water, fuel and oil trucks driver, less than 3000 gal., flat bed (hobtail) over 2 ton, heavy tire repair:
Pick-up 3/4 ton and under, service station, lubrication, light tire repair or washer, swager or riding helper, Transmeters 2 or 4 up
Spreader box driver
Flaberry truck driver, slurry truck driver - dump truck 30 to 40 cu. yds. W.L.C. Bulk cement truck driver vacuum truck, dump truck 30 to 30 yds. W.L.C.

DECISION #A-35 - Mod. 81 (cont'd)

Change:
Bricklayers (Union, Harding, Santa Fe, Valencia, Torrence, Bos, Socorro, Sierra, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties):
From basing point of Albuquerque Main Post Office:
Zone (1) - 0 to 25 road miles
Zone (2) - 25 to 50 road miles
Zone (3) - Over 50 road miles
Bricklayers - Stonemasons:
Dona Ana, Luna, Grant, Hidalgo and Sierra Counties
Charles County
Lincoln County
Lea and Eddy Counties
Otero County
Curry, Roosevelt, DeBaca, Quay, and Conchales Counties
Gladders (Bernalillo Counties)
Painters (Luna, Otero and Dona Ana Counties):
Brush
Spray, swing stage, sand water blasting spray and blasting on stage
Axes tools
Tapers
Steel brush
Stripping machine
Radio towers, water tanks, smoke stacks:
Over 100 feet
100 to 300 feet
Add:
Electricians (Chaves, Lincoln, Curry and Roosevelt Counties):
The following rates shall be designated from the main post office of Roswell, Budozo, Portales, Carrizozo and Clovis:
Truck Drivers Schedule for "Building Construction" (see below)
Truck Drivers Schedule for "Heavy Engineering Construction" (see below)

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & M	Pensions	Vacation	App. Tn	Disrupt	App. Tn	Disrupt
	.24						
	.24						
	.26						
4.34							
	.26						
4.54							
	.26						
4.59							
	.26						
4.91							
	.26						
4.42							
	.26						
4.22							
4.27							
	.26						
4.69							

DISPOSITION AQ-35 - Vol. #3 (cont'd)

TRUCK DRIVERS
BUILDING CONSTRUCTION

Group I
Pickup 3/4 ton and under; light tire repair or washer; sweeper or riding helper; Teamster 2 or 4 up;

Group II
Bus or taxi driver; dump or batch truck under 8 C.V.W.L.C.; flatbed (bobtail) 2 ton & under; warehousemen including material checker; mechanic & welder helper; forklift, under 5 ton MRC

Group III
Dump trucks (including all highway and off-highway) 8 up to 16 C.V.W.L.C.; water, fuel or oil trucks less than 3,000 gal.; flatbed (bobtail) over 2 tons

Group IV
Distributor driver; heavy tire repair; lumber carrier driver; young buggy or similar equipment transit mix or agitator 2 or 3 axle bobtail equipment; scissor truck; bulk cement bobtail 2 or 3 axles; semi-trailer driver (flatbed or van single axle); forklift 5 ton and over M.R.C.; field equipment serviceman

Group V
Dumper and dumpcrete driver; water, fuel or oil truck, 3,000 to 6,000 gal. capacity; lowboy, light equipment driver; Euclid type tank wagon under 6,000 gal.

Group VI
Vacuum truck; dump trucks (including all highway and off-highway 15 up to 22 C.V.W.L.C.)

Group VII
Transit mix or agitator sand or 4 axle Equipment driver; Fishery truck type spreader box driver; slurry trucks 4 axle bobtail; winch truck and "A" frame dump trucks (including all highway and off-highway) 22 C.V. up to 35 C.V.W.L.C., head field equipment serviceman

MODIFICATIONS P. 31

Basic Hourly Rates	Fringe Benefits Payments				Others
	M & W	Pension	Vacation	App. Tr.	
\$4.60	.38	.15			
4.72	.38	.15			
4.80	.38	.15			
4.92	.38	.15			
4.97	.38	.15			
5.07	.38	.15			
5.17	.38	.15			

DISPOSITION AQ-35 - Vol. #3 (cont'd)

TRUCK DRIVERS (CONT'D)
BUILDING CONSTRUCTION

Group VIII
Euclid diesel powered turnarocker; terra cobra; DN 16; DN 20; LeTourneau pulls & similar diesel powered equipment when used to haul materials and assigned to a Teamster; lowboy heavy equipment driver; water, fuel or oil trucks 6,000 gal. and over (including tank wagon drivers); semi-trailer driver (flatbed or van tandem); light equipment mechanic; dump trucks (including all highway and off-highway) 35 C.V.W.L.C. and over; truck and trailer or semi-trailer (flatbed reject all)

Group IX
Lowboy (heavy equipment, double goose-neck); heavy equipment mechanic; welder (body and fender man)

TEAMSTERS CLASSIFICATION not listed, shall be paid a rate comparable to classification listed.

MODIFICATIONS P. 32

Basic Hourly Rates	Fringe Benefits Payments				Others
	M & W	Pension	Vacation	App. Tr.	
5.31	.38	.15			
5.46	.38	.15			

MODIFICATIONS P. 34

SECTION 8A-35 - Mod. #3 (cont'd)

MODIFICATIONS P. 33

SECTION 8A-35 - Mod. #3 (cont'd)

TRUCK DRIVERS
HEAVY ENGINEERING CONSTRUCTION

GROUP I

Pickup 3/4 ton and under; light tire repair or washer; bumper or riding helper; Teamster 2 or 4 up

GROUP II

Bus or taxi driver; dump or batch truck, under 8 C.Y.W.L.C.; flatbed (bobtail) 2 ton and under; warehouseman including material checker; mechanic and welder helper; forklift, under 5 ton MSC

GROUP III

Dump trucks (including all highway and off-highway) 8 up to 15 C.Y.W.L.C.; water, fuel or oil trucks less than 3,000 gal.; flatbed (bobtail) over 2 tons

GROUP IV

Distributor driver; heavy tire repair; lumber carrier driver; young buggy or similar equipment; transit mix or agitator 2 or 3 axle bobtail equipment; scissor truck; bulk cement bobtail 2 or 3 axle; semi-trailer driver (flat bed or van single axle); forklift 5 ton and over M.R.C.; field equipment servicemen

GROUP V

Dumper & dumpcrete driver; water; fuel or oil truck, 3,000 to 6,000 gal. capacity; lowboy, light equipment driver; Euclid type tank wagon under 6,000 gal.

GROUP VI

Vacuum trucks; dump trucks (including all high and off-highway) up to 22 C.Y.W.L.C.

TRUCK DRIVERS (CONT'D)
HEAVY ENGINEERING CONSTRUCTION

GROUP VII

Transit mix or agitator semi or 4 axle equipment driver; flatbed truck type spreader box driver; slurry truck driver; bulk cement driver; semi-doubles; 4 axle bobtail; winch truck and "A" frame; dump trucks (including all highway & off highway) 22 C.Y. up to 35 C.Y.W.L.C.; head field equipment servicemen

GROUP VIII

Euclid diesel powered turnarocker; terre cobs; DM 10; DM 10; LeTourneaux and similar diesel powered equipment when used to haul materials and assigned to a Teamster; lowboy heavy equipment driver; water, fuel or oil trucks, 6,000 gal. & over (including tank wagon drivers); semi-trailer driver (flatbed or van tandem); light equipment mechanic; dump trucks (including all highway and off-highway) 35 C.Y.W.L.C. & over; truck & trailer or semi-trailer (flatbed) eject all

GROUP IX

Lowboy (heavy equipment, double gooseneck); heavy equipment mechanic; welder (body and fender man)

Teamster classification not listed, shall be paid a rate comparable to classifications listed.

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pension	Vacation	App. Tr.	
\$4.75	.38	.10			
4.87	.38	.10			
4.95	.38	.10			
5.07	.38	.10			
5.12	.38	.10			
5.22	.38	.10			
5.32	.38	.10			
5.46	.38	.10			
5.61	.38	.10			

MODIFICATIONS P. 35

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pension	Vacation	App. Tr.	
DECISION #AP-161 - Mod. #2 (38 FR 5753 - March 2, 1973) Mecklenburg County, North Carolina					
CHANGE: Ironworkers, structural & ornamental	\$5.02				
AIR: Ironworkers, structural	5.36				
CHANGE: Ironworkers, reinforcing	4.37				
DECISION #AQ-23 - Mod. #5 (38 FR 2736 - August 31, 1973) Tulsa County, Oklahoma					
CHANGE: Academics workers	\$8.20	.35		.015	
DECISION #AP-879 - Mod. #2 (38 FR 14260 - May 25, 1973) Erie County, Pennsylvania					
CHANGE: Building Construction: Carpenters Soft floor layers Glaziers Elevator constructors Elevator constructors' helpers Elevator constructors helpers (prob) Millwrights Piledrivers	\$8.335 8.335 8.45 8.51 5.96 4.26 8.485 8.485	.30 .30 .20 .23 .23 .30 .30		.02 .02 26-b+c 26-b+c .02 .02	
DECISION #A-2,018 - Mod. #1 (38 FR 22367 - August 29, 1973) Centre, Clearfield, Jefferson and Greene Counties, Pennsylvania					
CHANGE: Consent masons	7.17	.43	1.68		
DECISION #C- AQ-2,027 - Mod. #1 (38 FR 25760 - October 26, 1973) Lawrence County, Pennsylvania					
CHANGE: Building construction: Bricklayers and Stone Masons	8.42	.45	76		

MODIFICATIONS P. 36

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pension	Vacation	App. Tr.	
DECISION #AQ-28 - Mod. #2 (38 FR 27185 - September 28, 1973) Galveston County, Texas					
CHANGE: Building Construction: Electricians Pipefitters East of the Trinity River: Commercial work up to \$50,000 Commercial work \$50,000 & over Plumbers: Commercial work up to \$50,000 Commercial work \$50,000 & over	.28 .275 .275 .275 .275 .275 .275 .275	12+.31 .30 .30 .30 .30 .30 .30 .30		.03 .02 .02 .02 .02 .02 .02 .02	
DECISION #AQ-29 - Mod. #4 (38 FR 27188 - September 28, 1973) Harris County, Texas					
CHANGE: Building Construction: Plasterers	7.40	.32	.30		.01
DECISION #AQ-37 - Mod. #2 (38 FR 29187 - October 19, 1973) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas					
CHANGE: Building Construction: Bricklayers-Stonemasons: Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.87 7.87	.30 .30	.50 .50		.04 .04

NOTICES

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DECISION #A/C-40 - Mod. #2 (38 FR 23784 - October 26, 1973) Jefferson & Orange Counties, Texas	Fringe Benefits Payments					Basic Monthly Rates
	H & W	Family	Vacation	App. Tr.	Other	
Charge: Plasterers	.32	.30		.01		\$7.40
DECISION #A/C-41 - Mod. #2 (38 FR 23786 - October 26, 1973) Jefferson & Orange Counties, Texas						
Charge: Plasterers	.32	.30		.01		7.40
Line Construction: Mason	.28	11		1/7X		8.355
Groundmen	.28	11		1/21		75LJR

DECISION #A/C-1017 - Mod. #2
(38 FR 23743 - August 31, 1973)
Statewide, Utah

Charge:
Carpenters:
Zone 1: (40 road miles or less
from Brigham City-Cedar
City-Kanab-Logan-Ogden-
Price-Provo-Richfield-
Salt Lake City-Vernal)
Zone 2: (Beyond 40 thru 50 road
miles from Brigham City-
Cedar City-Kanab-Logan-
Ogden-Price-Provo-
Richfield-Salt Lake City-
Vernal)
Zone 3: (Beyond 50 thru 60 road
miles from Brigham City-
Cedar City-Kanab-Logan-
Ogden-Price-Provo-
Richfield-Salt Lake City-
Vernal)
Zone 4: (Over 60 road miles from
Brigham City-Cedar City-
Kanab-Logan-Ogden-Price-
Provo-Richfield-Salt Lake
City-Vernal)
Saw Filers: Saw Operators and
Carpenters handling crosscut
Zone 1
Zone 2
Zone 3
Zone 4
Millwrights (all zones)

Basic Monthly Rates	Fringe Benefits Payments					Other
	H & W	Family	Vacation	App. Tr.	Other	
\$7.24	.45	.45	.25	.03		
7.99	.45	.45	.25	.03		
8.115	.45	.45	.25	.03		
8.24	.45	.45	.25	.03		
7.365	.45	.45	.25	.03		
8.115	.45	.45	.25	.03		
8.24	.45	.45	.25	.03		
8.365	.45	.45	.25	.03		
7.49	.45	.45	.25	.03		

Decision No. 17-558 - Mod. #5
 (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

CHANGES:

Painters:
 Brush, spray, paperhangers, tapes
 Steel, sandblasting, swing stage,
 power brushing

Decision No. 10-2005 - Mod. #7
 (38 FR 21721 - August 10, 1973)
 Washington, D. C.

CHANGES:

Painters:
 Brush, spray, paperhangers, tapes
 Steel, sandblasting, swing stage
 power brushing

Basic Hourly Rates	Fringe Benefits Payments				
	M & W	Fees/Ret.	Vacation	App. To	Other
\$8.03	.41	.18		.06	
8.36	.41	.18		.06	
8.03	.41	.18		.06	
8.36	.41	.18		.06	

STATE: Delaware
 COUNTY: STATEWIDE
 DATE: Date of Publication
 SUPERSEDES DECISION NO. AQ-2022, dated July 27, 1973, in 38 FR 20260.
 DESCRIPTION OF WORK: Building Construction, (excluding single family houses and garden type apartments up to and including 4-stories), heavy and highway construction.

STATE: Delaware
 COUNTY: STATEWIDE
 DATE: Date of Publication
 SUPERSEDES DECISION NO. AQ-2022, dated July 27, 1973, in 38 FR 20260.
 DESCRIPTION OF WORK: Building Construction, (excluding single family houses and garden type apartments up to and including 4-stories), heavy and highway construction.

STATE: Delaware
 COUNTY: STATEWIDE
 DATE: Date of Publication
 SUPERSEDES DECISION NO. AQ-2022, dated July 27, 1973, in 38 FR 20260.
 DESCRIPTION OF WORK: Building Construction, (excluding single family houses and garden type apartments up to and including 4-stories), heavy and highway construction.

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BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				OTHERS
	# & V	PERCENT	VACATION	APP. TR.	
Asbestos workers	.40	1.00		.03	
Boilermakers (New Castle Co.)	.85	1.00		.01	
Boilermakers (Kent & Sussex Cos.)	.30	.70	.35	.01	
Bricklayers	.60	.85			
Carpenters, Building & Heavy:					
New Castle & Kent Cos.:	.48	.40		.02	
Sussex Co.	.78	.25			
Carpenters, Highway:					
New Castle & Kent Cos.	.48	.40		.02	
Cement masons	.70	.42			
Electricians	.85	.45			
Elevator constructors	.25	.20	.25+tb	.015	
Elevator constructors' helpers	.475	.20	.25+tb	.015	
Elevator constructors' helpers (prob.)	4.625				
Glaziers	8.30	.30		.01	
Ironworkers:					
Structural, ornamental, reinforcing, riggers & auxiliary covers	8.62	1.03		.05	
Laborers: New Castle Co., Building					
General construction, dumpmen & truck spotters	.40	.30			
Caulkers, opers. of pneumatic & electric tools, vibrating machines, concrete men, masons, pot tappers, sewer pipe layers, demolition (use of hand tools), driller (except core, diamond or multiple wagon), mason & plasterers tenders, cement workers, mobile heavy operators, operators of power saws (portable), scaffold builders, book-up men, signal men, stringing of flat arch & form work also cleaning & ciling thereof, tool room attendant & welder	6.85	.40	.30		
Burners, drillers (core, diamond or multiple wagon) sandblaster (portable)	7.10	.40	.30		
Electricians	7.85	.40	.30		
Gunite workers:					
Industrial furnace stock men, nonferrous & rodders	7.10	.40	.30		
Laborers: Kent & Sussex Cos., Building					
General construction dumpmen & truck spotters	6.40	.40	.30		
Caulkers, opers. of pneumatic & electric tools, vibrating machines, concrete men, masons,					

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BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				OTHERS
	# & V	PERCENT	VACATION	APP. TR.	
demolition (use of hand tools), driller (except core, diamond or multiple wagon), mason & plasterers' tenders, cement workers, mobile heavy operators, power saw operators, (portable), scaffold-builders, hookup men, signal men, stringing of flat arch & form work also cleaning & ciling thereof, tool room attendant & welder	\$6.65	.40	.30		
Burners, driller (core, diamond or multiple wagon), sandblaster (portable)	6.90	.40	.30		
Electricians	7.65	.40	.30		
Gunite workers:					
Industrial furnace stock men, nonferrous & rodders	6.90	.40	.30		
Laborers: New Castle Co.: Heavy and Highway Construction:					
Common laborers, landscapers, planters, seeders, storkists, asphalt tamers & rollers, concrete pitmen, rubber magazine tenders, railroad trackmen, signal men	3.35	.40	.30		
Pipelayers	3.50	.40	.30		
Wagon drill, diamond point drill, guide nonferrous, form setters, blasters, caissons & cofferdams (open-air, below 8')	3.65	.40	.30		
Laborers: Kent & Sussex Cos.: Heavy Highway Construction:					
Common laborers, landscapers, planters, seeders, storkists, asphalt tamers & rollers, concrete pitmen, rubber magazine tenders, railroad trackmen, signal men	3.20	.40	.30		
Pipelayers	3.35	.40	.30		
Wagon drill, diamond point drill, guide nonferrous, form setters, blasters, caissons & cofferdams (open-air, below 8')	3.50	.40	.30		
Lathers	7.50	.20	.15		.01

D/C HOURLY RATES	FRINGE BENEFITS PAYMENTS				
	FC & M	PERMITS	VACATION	APP. TL	OTHER
\$4.93	.4425	.425	a		
5.08	.4425	.425	a		
5.15	.4425	.425	a		

CLASS HOURLY RATES	FRANCE BENEFITS PAYMENTS		
	H & W	TELEPHONE	VACATION
42.45	.15	.15	.15
6.82	.15	.15	.15
5.67	.15	.15	.15
8.60	.60	.85	.85
9.37	.47	.52	.52
7.84		.65	
7.31	.50	.20	.01
7.81	.50	.20	.01
9.22	1.03	.40	.07
8.57	.45		.01
7.94	.55	.50	.05
7.91	.45	.35	1.25nd
8.815	1.00	.55	e
4.70	1.00	.55	e
8.60	.55	.85	.02
7.84		.40	.02
9.00	.48	.60	.07
9.05	.40		
8.77	.30	.55	.05
7.50	.45	.35	1.25nd
8.25	.70	.75	
7.73	.60	.90	
7.73	.60	.90	
5.78	.4425	.425	d
5.93	.4425	.425	d
6.03	.4425	.425	d

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PAID HOLIDAYS (Where Applicable)

A-New Year's Day; B-Theoretical Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Employer contributes 1/2 of basic hourly rate for 5 years or more of service or 2 1/2 of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- 6 paid holidays: A through F.
- One paid holiday: Labor Day, providing employee is currently on payroll and would be scheduled to work the holiday, also employee must work the day prior to and after the holiday.
- A through F, provided that the employee worked the scheduled work day preceding and following the holiday.
- One paid holiday: Election Day.
- Paid Holidays: A through F for employee currently employed by the employer at the time the holiday occurs, and who would otherwise be scheduled to work and would work on such days if it were not observed as a holiday, and who has worked under working conditions, the last regularly scheduled workday after the holiday.

1-MAR-1-2-3

POWER EQUIPMENT OPERATORS
BUILDING AND HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments		
		H & V	Pensions	Vacation
WAGE GROUP I Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	\$ 9.44	4.6%	9.5%	1.2%
WAGE GROUP II All types of cranes, all types of backhoes, cableways, draglines, keystonees, all types of shovels, derricks, trench shovels, trenching machines, hoists with towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, machine machines in tunnel, all front end loaders 3-1/2 cu. yds. and over, tandem scrapers, pipping type backhoes, boat captains, batch plant operators (concrete), drills, fork lifts, 20 ft. lift and over, machines similar to the above	9.15	4.6%	9.5%	1.2%
WAGE GROUP III Conveyors, building hoists (single drum), scrapers and bulldozers, spreaders, high or low pressure boilers, concrete pumps, wall drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch winch type trencher, all loaders under 3-1/2 cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	1.2%
WAGE GROUP IV Welding machines, well points, pumps, heaters, farm tractors, form line graders, fine grade machine, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), compressors, machines similar to the above	7.50	4.6%	9.5%	1.2%
WAGE GROUP V Firemen, grease truck	7.02	4.6%	9.5%	1.2%

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	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Retirement	Life Ins.
WAGE GROUP VI Oilers and Cock hands (personnel boats), core drill helper WAGE GROUP VII All machines with booms (loading, lifts, masts, leads, etc): 100 ft. and over 150 ft. and over 200 ft. and over	\$ 6.10 9.65 9.94 10.19	4.6%	9.5%	1.2%
FOOTNOTE: a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Veteran's Day; and Christmas Day, provided the employee works the scheduled working day before and after the holiday.				
D				

POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION

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NOTICES

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Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Retirement	Life Ins.
WAGE GROUP I Pipping type backhoe, euclid loader, all types of cranes, all types of backhoes, draglines, all types of shovels, keystones, paver 21E and over, trenching machines, cableways, all loaders 2 cu. yds. and over, machines similar to the above. WAGE GROUP II Corryalls, tournepells, asphalt spreaders, motor patrols, concrete pumps, asphalt plant engineers, well drillers, all bulldozers, tractors, maintenance engineer, welders, conveyor loader, all loaders under 2 cu. yds., machines similar to the above WAGE GROUP III Form line grader, farm tractor, road finishing machine, concrete spreader, fine grade machines, compactors, pumps -- four inches or over, pumps -- two or more any size, well point pumps, concrete breaking machines, roller (grade fill and stone base), firemen, machines similar to the above. WAGE GROUP IV Oilers	\$ 8.46 4.6%	9.5%	1.2%
	7.64 4.6%	9.5%	1.2%
	6.85 4.6%	9.5%	1.2%
	5.71 4.6%	9.5%	1.2%

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Basic Hourly Rates	Fringe Benefits Payments				App. To	Others
	M & W	Pensions	Vacation	App. To		
POWER EQUIPMENT OPERATORS: Field mechanic cranes, derricks, hoist (2 or more drums), oiler-fireman combination	\$8.65	.35				
Dredges, backhoes, gradalls, finish grader, welding machine, 1 drum hoist, fork lift, hopco machine, air com- pressor (above 125 CFM, more than one pump or combination of other equip., up to 5), winch trucks	7.96	.35	.35			
Bulldozers, distributors, scrapers, motor graders, trenching machines, front end loaders, pumps (3" or more), mixers	7.11	.35	.35			
Rollers, finishing machines, tractors, oilers & drivers, mechanic helpers	6.56	.35	.35			
Oiler on crawler cranes	5.96	.35	.35			

SUPERSEDES DECISION

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte, & Ray Counties, Missouri & Wyandotte, Kansas

DECISION NO.: AQ-44

Supersedes Decision No. AP-531, dated May 25, 1973, in 38 FR 13929.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

10-Missouri-1 c

BUILDING CONSTRUCTION

"Cass, Clay, Jackson, Platte, & Ray Counties, Missouri"

ROOFERS HELPERS:

1st 6 mos. .18
2nd 6 mos. .18
3rd 6 mos. .18
4th 6 mos. .18
5th 6 mos. .18

TIEEX DRIVERS:

Flat bed, pick-up, & dump - under 10 yds.
Dump - 10 yds. & over

Basic Hourly Rates	Fringe Benefits Payments			App. To Vacation	App. To Other
	M & W	Permanence	Vacation		
4.56	.18	.40			.04
4.88	.18	.40			.04
5.21	.18	.40			.04
5.53	.18	.40			.04
5.86	.18	.40			.04
4.225					
4.30					

"Cass, Clay, Jackson, Platte, & Ray Counties, Missouri"

BUILDING CONSTRUCTION

ASBESTOS WORKERS

BOILERMAKERS

BRICKLAYERS

CARPENTERS (CASS COUNTY)

CARPENTERS:

Carpenters; millwrights;

pile-drivers

CEMENT MASONS:

Cement masons

Composition

ELECTRICIANS:

Western half of Clay & Jackson Cos.

not including Blue Springs;

Northern half of Platte Co.;

Northwestern portion of Cass Co.

not including Pleasant Hill;

Electricians

Remainder of Clay, Jackson, Platte

and Cass Counties;

Electricians (contracts over

\$5,000)

Electricians (contracts under

\$5,000)

RAY COUNTY:

Electricians (contracts over

\$5,000)

Electricians (contracts under

\$5,000)

ELEVATOR CONSTRUCTORS

ELEVATOR CONSTRUCTORS HELPERS

ELEVATOR CONSTRUCTORS HELPERS (PROB.)

GLAZIERS

IRONWORKERS:

Structural; ornamental; riggers

Reinforcing

LATHERS

MARBLE, TERRAZZO, & TILE WORKERS

MARBLE & TILE HELPERS

TERRAZZO HELPERS

TERRAZZO BASE MACHINE GRINDERS

PAINTERS:

Brush

Spray

High Work

Tapers

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Basic Hourly Rates	Fringe Benefits Payments			App. To Vacation	App. To Other
	M & W	Permanence	Vacation		
\$ 8.40	.30	.30			.02
8.25	.30	1.00			.02
7.975	.35	.35	.15		
7.87	.33	.30	.25		.05
8.12	.33	.30	.25		.05
8.275	.20	.25			
8.725	.20	.25			
8.30	.20	.25	.70		.03
8.30	.20	.25	.70		.03
7.80	.20	.25	.70		.03
8.30	.20	.25	.70		.03
7.25	.20	.25	.70		.03
7.29	.175	.20	.22 + .48		
7.02	.175	.20	.22 + .48		
7.41	.35	.20	.72 + .4		.01
8.50	.40	.40	.80		.05
8.50	.40	.40	.80		.05
6.75	.20				
8.675	3.65%	3.25%			
7.28					
4.55					
4.90					
7.77	.30	.35			
8.77	.30	.35			
8.52	.30	.35			
7.77	.30	.35			

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Premium	Vacation	App. Tn.
PLASTERERS	6.90	.20			
PIPEFITTERS	8.52	.38	.75	.06	
PLUMBERS	9.18	.40	.60	.06	
ROOFERS	6.51	.18	.40	.04	
SHEET METAL WORKERS	8.225	.23	.25	.78	
SOFT FLOOR LAYERS	7.09	.35	.25	.05	
SPRINGING FLINTERS	8.85	.30	.50	.06	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.					
b - Paid Holidays - A through G.					
c - Employees having one year continuous service shall receive 1 week vacation with pay and employees having 3 years or more continuous service shall receive 2 weeks vacation with pay.					
d - Employers contribution of 3.02% for each hour paid plus fringes into the Paid Holiday Trust Fund - (7) paid holidays, A through G.					
PAID HOLIDAYS:					
A-New Year's Day; B-Independence Day; C-Thanksgiving Day;					
D-Labor Day; E-Christmas Day; F-Thanksgiving Day; G-Friday after Thanksgiving.					

CASS, CRAY, JACKSON, & PLATTS COS., MO

BUILDING CONSTRUCTION

LABORERS:

Common labor; wire mesh handlers or setters; carpenter tenders; trackmen; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape men; sod layers; wrecker (for alterations or entire projects).
 Plumber laborers (condensate pipe, sewer work, drain tile & duct lines, digging & back filling); power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer & chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch ditch operators; swinging scaffolds.
 Stonemason tenders; cutting torch or burner men; Georgia baggies (self-propelled); brick tenders; plasterer tenders; fork lift (up to 9 ft.); hoeman; insulation man.
 Mortar men (hod carriers); scaffolding (swinging or tubing) hod carriers.
 Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting & gunite nozzle men; wagon & churn drill operators.

Rate	Rate	Rate	Rate	Rate	Rate
Hour	Hour	Hour	Hour	Hour	Hour
\$5.71	.30	.15			
5.805	.30	.15			
5.905	.30	.15			
6.00	.30	.15			
6.10	.30	.15			

Ray County, Missouri
Building Construction

LABORERS:

Common labor; wire mesh handlers or setters; carpenter tenders; track men; flagmen; signalmen; salamander tenders; floor cleaners; landscape men; sod layers; wreckers (for alterations or entire projects).
 Plumber laborers (condensate pipe, sewer work, drain tile & duct lines, digging & back filling); power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer & chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch ditch operators; swinging scaffolds.
 Stonemason tenders; cutting torch or burner men; Georgia baggies (self-propelled); brick tenders; fork lift (up to 9 ft.); hoeman; insulation man.
 Mortar men (hod carriers); scaffolding (swinging or tubing) hod carriers.
 Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting & gunite nozzle men; wagon & churn drill operators.

Rate	Rate	Rate	Rate	Rate	Rate
Hour	Hour	Hour	Hour	Hour	Hour
\$5.55	.30	.15			
5.65	.30	.15			
5.725	.30	.15			
5.80	.30	.15			
5.90	.30	.15			

AQ-44 P. 5 Mo. 3-FED-1-1 (1-2)							Mo. 3-FED-1-1 (2-2)					
Cass, Clay, Jackson, Platte, & Ray Counties, Missouri Building Construction	FRINGE BENEFITS PAYMENTS				FRINGE BENEFITS PAYMENTS							
	BASIC HOURLY RATES	H & V	PENSIONS	VACATION	APP. TR.	OTHERS	BASIC HOURLY RATES	H & V	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: "A" From Trucks; Boilers (1); Broom- Power Operated (all types); Chip Spreader (frontman); Claf Plane Operator; Compressor (1) 105 foot or over; Concrete Saws, self-pro- pelled; Conveyor Operator; Crab- power operated; Curo Finishing Machine; Elevator; Finishing Ma- chine; Fireman on Rigs; Flex Flame; Floating Machine; Form Grader; Fork Lift - all types & sizes; Grueser; Hoist; Hoist, Endless Chain - power operated; Hopper - Power operated; Hydra Hammer (all types); Lad-a- Vator; Mixers (with Side Loaders); Pumps (with well points); Pump (water well points); Pump (Water) Sollers (all types); Siphons, Jets & Jennys; Sub Grader; Tractors over 50 h.p.	\$6.90	.25	.25		.02		\$7.65	.25	.25		.02	
Asphalt Paver & Spreader; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Back Fillers; Back Hoe, all types; Barber-Creans Loader; Blaze Power, all types; Boats - Power; Boilers (2); Boring Machine							7.40	.25	.25			.02
							7.65	.25	.25			.02
							7.15	.25	.25			.02
							8.15	.25	.25			.02
							7.90	.25	.25			.02
							6.35	.25	.25			.02
							6.60	.25	.25			.02
							6.83	.25	.25			.02
							6.63	.25	.25			.02

"Cass County, Missouri"

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS:

Flat bed trucks - single axle	\$7.33	.50					
Flat bed trucks - tandem axle	7.16	.50					
Station wagons	7.33	.50					
Pickup trucks	7.33	.50					
Material trucks - single axle	7.33	.50					
Material trucks - tandem axle	7.16	.50					
Seed and/or pole trailers	7.55	.50					
Winch, fork and steel trucks	7.55	.50					
Distributor drivers and operators	7.55	.50					
Agitator and transit mix trucks	7.16	.50					
Tank wagon - single axle	7.33	.50					
Tank wagon - semi-trailer	7.55	.50					
Tank wagon - tandem axle	7.16	.50					
Insley wagons, dumpsters, half-tracks, speedsters, enclids, and other similar equipment	7.16	.50					
A-frame and derrick trucks	7.55	.50					
Float or low boy	7.55	.50					
Warehouseman	7.23	.50					

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MO. 8-220 2, 3 (2-2)

(1-2)

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MO. 8-220 2, 3.

ADAMS & HIGGINS CONSTRUCTION CLAS COUNTY, MISSOURI

POWER EQUIPMENT OPERATORS

Asphalt finishing machine & Trench widening spreader; Asphalt plant Console Op.; Antigrader; Automatic slipform paver; Backhoe, Blade Op.; all types; Post Op.; Tow, Rollers-2; Central mix concrete plant Op.; Clinker Op.; Concrete mixer paver; Crane Op.; Derrick or Derrick trucks; Ditching machine; Dozer Op.; Dragline Op.; Dredge hoister pump; Dredge Engine; Dredge Op.; Drill cut with Compressor mounted on Cat; Drilling or boring machine rotary self-propelled; Highloader; Hoisting engine - 2 active drums; Locomotive wheel; Locomotive Op.; standard gauge; Mechanics and Welders; Mucking machine; Piledriver Op.; Pitman Crane Op.; Push Cat Op.; Quad Trac; Scoop Op. - all types; Shovel Op.; Slideboom Cats; Skimmer scoop Op.; Trenching machine Op.; Truck crane

A-Frame; Asphalt hot-mix silo; Asphalt plant fireman (drum or boiler); Asphalt plant man; Asphalt plant mixer Op.; Asphalt roller Op.; Backfiller Op.; Barber-Greene loader; Post Op. (bridges & dams); Chip spreader; Compressor Maintenance Op. - 2; Concrete mixer Op.; Skip loader; Concrete plant Op.; Concrete pump Op.; Crusher Op.; Dredge roller; Elevating grader Op.; Fork lift; Grasser-fleet; Hoisting engine - 1; Locomotive Op.; narrow gauge; Multiple compactor; Power breaker; Power-broom self-propelled; Power shield; Rooter; Side discharge concrete spreader; Slip form finishing machine; Stumpcutting machine; Throttle man; Tractor Op. (over 50 H.P.); Welding machine Maintenance Op. - 2; Winch truck

Basic Hourly Rates	H & W	Festivals	Vacation	App. Tr.	Others
Rollers - 1; Chip Spreader (front end); Churn Drill Op.; Cleft Plane Op.; Compressor Maintenance Op. - 1; Concrete Saw Op. (self-propelled); Conveyor Op.; Curb Finishing Machine; Distributor Op.; Finishing Machine Op.; Fireman-Rig; Flex Plane Op.; Float Op.; Form Grader Op.; Generator-Maintenance Op.; Light Plant - Maintenance Op.; Maintenance Op.; Oiler Driver; Pugmill Op.; Pump Maintenance Op. (other than Dredge); Roller Op., other than high type asphalt; Screening & Washing Plant Op.; Siphons & Jets; Sub-grading Machine Operator; Spreader Box Op.; self-propelled (not asphalt); Tank Car Heater Op. (Combination Boiler & Booster); Tractor Op. (50 H.P. or less); Ulmac, Ulric or similar spreader; Vibrating Machine Op.; Welding Machine Maintenance Op. - 1.	8.70	.40	.40	.05	
Oiler	7.95	.40	.40	.05	
Climbells, 2 yds. or over; Crane, Rigs or Piledrivers 100' to 200' of boom (including jib); Draglines, 3 yds. or over; Hoists - each additional active drum over 2 drums; Shovels, 3 yds. or over	9.35	.40	.40	.05	
Tandem Scoop; Crane, Rigs or Piledrivers 200' of boom or over (including jib)	9.60	.40	.40	.05	

AQ-44 P. 10

AQ-44 P. 9

"Cass County, Missouri."

NO 22 Lab 2,3 (1-2)

NO 22 Lab 2,3 (2-2)

HEAVY & HIGHWAY CONSTRUCTION

LABORERS:

General Labor
Carpenter tenders; Salaried tenders;
Dump man and ticket takers on stock
piles; Flagmen; Loading trucks under
bins, hoppers and conveyors; Track
men and all other general laborers

First Semi-Skill

Air tool operator; Cement handler-
bulk or sack; Dump man on earth
fill; George's buggy man; Material
batch hopper man; Scale man; Spreader
on asphalt machine; Material mixer
man (except on ramholes); Coffin dam;
Riprap pavers-rock, block or brick;
Signal men; Scaffolds over ten feet;
not self-supported from ground up;
Shipman on concrete paving; All work
in connection with sewer, water, gas,
gasoline, oil, drainage pipe, conduit
pipe, tile & duct lines and all other
pipe lines; Trench tool operator; All
work in connection with hydraulic or
general dredging operations; Form
setter helpers; Bidders (paving
only); Straw blower nozzleman; Wire
mesh setters on concrete paving.

Second Semi-Skill

Asphalt plant platform man; Chuck
tender; Crusher feeder; Men handling
crescote ties on concrete materials;
Men working with and handling epoxy
material or materials (where special
protection is required); Road pipe
layer on sewer work; Topper of stan-
ding trees; Batter board man on pipe
and ditch work; Vibrator men; Feeder
men on wood pulverizers; Board men
on river work; Deck hands; Pile dibe
and severant work; All laborers
working on underground tunnels less
than 25 feet where compressed air is
not used; Abutment and pier hole men
working six (6) feet or more below
ground; Men working in Coffin dams
for bridge piers and footings in the
river.

LABORERS (CONT'D):

Third Semi-Skill

Laser beam man; Asphalt rakers; Barco
tender; Jackson or any other similar
tamp; Wagon driver; Churn drills;
Air track drills; All other similar
drills; Cutting torch man; Form setters;
liners and stringline men on concrete
paving, curb, gutters, etc.; Hot mastic
kettelman; Hot tar applicator; Hand
blade operators; Machine builder helpers
and sorter men on brick or block man-
holes; Sandblasting & gunite nozzle
men; Rubbing concrete; Air tool op-
erator in tunnels; Caulker and lead
man; Screed man on asphalt machine;
Chain on concrete saw; Cliff scialars
working from scaffolds, Bottoms' Chais
or platforms on dams or power plants
over ten (10) feet above ground;
Grade checker on cuts and fills.

Fourth Semi-Skill

Machine builders-brick or block;
Dynamite and powder man; loader

Basic Hourly Rates	H & M	Payroll	Vacation	App. Tr.	Gross
6.975	.40	.40			
7.125	.40	.40			
7.275	.40	.40			
7.475	.40	.40			.10
7.725	.40	.40			.10
7.975	.40	.40			.10

AQ-44, P. 11

*Clay, Jackson, Platte, & Ray
Counties, Missouri
HEAVY & HIGHWAY CONSTRUCTION

10 - MISSOURI - LAB - 2,3 (1-2)

AQ-44, P. 12 10 - MISSOURI - LAB - 2,3 (2-2)

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	App. Tr.	
General Laborer Carpenter Tenders; Salsamander Tenders; Dump Man & Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins; Soppers and Conveyors; Track men and all other General Laborers	.40	.40	.50	.10	\$7.00
First Semi-Skill Air Tool Operator; Cement Handler (Bulk or Sack); Chain or Concrete Saw; Deck Hand; Dump man on Earth Fill; Grade Checkers on Cuts and Fills; Geologic Buggies Man; Material Batch Hopper Man; Scale Man; Material Mixer Man (except on Manholes, Coffin Dams, Abutments and Pierhole men working below ground); Ziprap Tapers Rock, Block or Brick; Signal Men; Scaffold over 10 ft. not self-supported from ground up; Skipman on concrete paving; Vibrator man; Wire mesh setters on concrete paving; all work in connect- ion with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct lines and all other pipe lines; Power Tool Operator; all work in connection with hydraulic or Gen- eral Dredging Operations; Form Setter Helpers; Fudlers (paving only)	.40	.40	.50	.10	7.15
Second Semi-Skill Grubber Feeder; Men handling creosote ties or creosote materials; Men work- ing with and handling epoxy materials (where special protection is required); Head Pipe Layer on Sewer work; Topper of Standing trees; Batter Board man on Pipe & Ditch work; Feeder Man on Wood Pulverizers; Buck and Willow Mat Weavers and Cable Tiers on River work; all Laborers working on under- ground tunnels where compressed air is not used	.40	.40	.50	.10	7.30

LABORERS (CONT'D):

Third Semi-Skill

Sprayer or Screed man on Asphalt
Machine; Asphalt Baker; Laser Beam
Man; Barco Taper; Jackson or any
other similar Taper; Wagon Driver,
Churn Drills, Air Track Drill and
all other similar drills; Setting
Torch Man; Form Setter; Liners and
Stringline Man on Concrete Paving.
Curb, Cutters and etc.; Hot Mastic
Kettlemen; Hot Tar Applicator; Hand
Blade Operators; Manhole Builders
Helpers and Mortar Men on Brick or
Block Manholes; Sand Blasting and
Gumite Nozzle Men; Rubbing Concrete;
Air Tool Operator in Tunnels

Fourth Semi-Skill

Manhole Builder (Brick or Block);
Dynamite and Powder Men;

*Clay, Jackson, Platte, & Ray Cos., Mo.

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS:

One Team; Station Wagon; Pickups;
Material, Single Axle; Tank Wagon,
Single Axle
Two Teams; Material, Tandem; Semi-
Trailers; Winch; Fork; Distributor
Drivers and Operators; Agitator and
Transit Mix; Tank Wagon, Tandem or
Semi-Trailer; Insley Wagons; Dump;
Excavating, 5 cu. yds. & over;
Dumpsters; Half-Tracks; Spedance;
Euclids and other similar excavat-
ing equipment
A-Frame; Low Boy; Boom
Mechanics & Welders
Mechanic's Helpers, Oilers &
Greasers

AQ-44 P. 14

(1-2)

10 - Missouri - FED - 2,3

AQ-44 P. 13

10 - Missouri - FED - 2,3

Clay, Jackson, Platte & Ray Cos., Inc.

SELECT & HIGHWAY CONSTRUCTION
POWER EQUIPMENT OPERATORS:

Group I

Asphalt Paver and Spreader; Asphalt Plant Console Operator; Auto Graders; Back Hoe; Blade Operator, all types; Boilers-2; Booster Pump on Bridge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Crawler Operator; Compressor Maintenance Operator-2; Concrete Plant Operator; Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Lattice Trucks; Ditching Machine; Dragline Operator; Dredge Engineering; Dredge Operator; Drillers with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, Self-propelled; High Loader-Fork Lift; Hoisting Engine-2 active drums; Locomotive Operator; Standard Gas; Mechanics and Welders, Field or Shop; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitsman Crane Operator; Pump-2; Quad-Trac; Scoop Operator-all types; Scoops in Tandem; Self-Propelled Rotary Drill (Leroy or Equal-not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cuts; Skimmer Scoop Operator; Slip-form Paver (Cul, Box, or Equal); Throttle Man; Truck Crane; Welding Machine Maintenance Operator-2

Group II

VA Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Man; Asphalt Roller Operator; Backfiller Operator; Chip Spreader; Concrete Batch Plant, Dry, Power Operated; Concrete Mixer Operator; Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Engine-1 drum; Lafourcade Rooter; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Pug Mill Operator; Stump Cutting Machine; Towboat Operator; Tractor Operator-Over 20 HP

10 - Missouri - FED - 2,3 (2-2)

POWER EQUIPMENT OPERATORS (CONT'D):

Group III
Boilers - 1; Chip Spreader (Front Man); Churn Drill Operator, Compressor Maintenance Operator - 1; Concrete Saw, Self-Propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Oilier Driver, all types; Pump; Pump Maintenance Operator, other than Dredge; Roller; Screening and Washing Plant Operator; Self-Propelled Street Broom or Sweeper; Siphons and Jets, Sub-Grading Machine Operator; Tank Car Heater Operator - Combination Boiler and Booster; Tractor, 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1

Group IV
Mechanic's Helper, Oiler
Clamshells, 3 yd. capacity or over, Crane or rigs, 80 ft. of boom or over (including jib); Draglines, 3 yd. capacity or over; Pile Drivers, 80 ft. of boom or over (including jib); Shovels, 3 yd. capacity or over
Crane or rigs, over 200 ft. of boom (including jib)
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification.

B. 2
Hourly Rates

Basic Hourly Rates	Fringe Benefits Payments				App. To	Others
	M & W	Pension	Vacation	App. To		
\$8.80	.50	.50	.50	.10		
8.55	.50	.50	.50	.10		

Basic Hourly Rates

Basic Hourly Rates	Fringe Benefits Payments				App. To	Others
	M & W	Pension	Vacation	App. To		
\$8.30	.50	.50	.50	.10		
7.80	.50	.50	.50	.10		
9.05	.50	.50	.50	.10		
9.30	.50	.50	.50	.10		

JACKSON, FLAT, EAT, CLAY,
& CASS COUNTIES, MISSOURILIMEWASH
LIMEWASH OPERATOR
LIMEWASH MIXTURE
GROUNDWATER PUMP
GROUNDWATER
GROUNDWATER (1st year)

Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others
\$7.95	.15	15+.15		.03	
7.50	.15	15+.15		.03	
6.37	.15	15+.15		.03	
5.47	.15	15+.15		.03	
5.19	.15	15+.15		.03	
4.72	.15	15+.15		.03	

HEAVY & HIGHWAY CONSTRUCTION

Cass, Clay, Jackson, Platte, &
Ray Counties, MissouriCARPENTERS & PLEDMEN (Cass Co.)
CARPENTERS & PLEDMEN (Clay,
Jackson, Platte, & Ray Counties)
CEMENT MASONS (Cass Co.)
CEMENT MASONS (Clay, Jackson,
Platte, & Ray Counties)ELECTRICIANS:
Western half of Clay & Jackson
Cos. not including Blue Springs
Northern half of Platte Co.
Northwestern portion of Cass Co.
not including Pleasant Hill:Electricians
Remainder of Clay, Jackson,
Platte & Cass Counties
Electricians (contracts over
\$5,000)
Electricians (contracts under
\$5,000)Ray County:
Electricians (contracts over
\$5,000)
Electricians (contracts under
\$5,000)PAINTERS:
Brush
High Work
Tapers
Spray

7.92	.33	.30		.03	
8.12	.35	.30	.25	.05	
8.275	.20	.25			
8.905	.20	.45	.50	.05	
8.30	.20	15+.25	.70	.03	
8.30	.20	15+.25	.70	.03	
7.25	.20	15+.25	.70	.03	
8.50	.40	.40	.80	.05	
7.77	.30	.35			
8.52	.30	.35			
7.77	.30	.35			

Johnson & Wyandotte Counties,
Kansas

BUILDING CONSTRUCTION

ASBESTOS WORKERS
BOILERMAKERS
BRICKLAYERS; Stonemasons
CARPENTERS:
Carpenters; Millwrights;
Piledrivers
CEMENT MASONS:
Cement masons
Composition
ELECTRICIANS
ELEVATOR CONSTRUCTORS
ELEVATOR CONSTRUCTORS' HELPERS
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)
GLAZIERS
IRONWORKERS:
Ornamental; Reinforcing; Riggers;
Structural
LATHEES
MARBLE SETTERS
MARBLE SETTERS' HELPERS
PAINTERS:
Brush
High Work
Tapers
Spray
PIPEFITTERS
PLASTERERS
PLUMBERS
ROOFERS
SHEET METAL WORKERS
SOFT FLOOR LAYERS
SPRINKLER FITTERS
TERRAZZO WORKERS; Tile setters
TERRAZZO WORKERS' HELPERS
TERRAZZO BASE GRINDERS
TILE SETTERS' HELPERS
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; G-Friday after Thanksgiving Day.FOOTNOTES:
a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b. Paid Holidays: A through F.
c. Paid Holidays: A through G.

Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others
\$ 8.40	.30	.30		.02	
8.25	.30	1.00		.02	
7.975	.35	.35	.15		
8.12	.33	.30	.25	.05	
8.275	.20	.25			
8.725	.20	.25			
8.30	.20	12+.25	.70	.03	
7.29	.175	.20	21+.45		
7.012	.175	.20	21+.45		
7.41	.35	.20	72+.c	.01	
8.50	.40	.40	.80	.05	
6.75	.20				
8.675	3.65%	3.25%			
7.28					
7.77	.30	.35			
8.52	.30	.35			
7.77	.30	.35			
8.77	.30	.35			
8.52	.38	.75		.06	
6.90	.20				
9.18	.40	.60		.06	
6.51	.18	.40		.04	
8.225	.25	.25			
7.09	.35	.25		.05	
8.85	.30	.50		.06	
8.675	3.65%	3.25%			
4.55					
4.90					
7.28					

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Kansas 20 Lab - 1 - b

AG-44 P. 17

KANS - 1 - TD - 1 - b

Johnson & Wyandotte Counties,
Kansas

BUILDING CONSTRUCTION

TRUCK DRIVERS:

Warehouseman and stock man
Flat beds
Pick-ups
Dump trucks, under 10 yards
Dump trucks, 10 yards and over
Straddle trucks
Wheel tractors (when used for towing)
Steel trucks
Hydro lift trucks
Hydraulically operated serial lifts
Distributor truck drivers and
operators
Semi-truck drivers
Heavy hauling, A-frame winch and
fork lifts
Heavy excavating (dumper, Euclid,
etc.)
Oilers, greasers and mechanics'
helpers
Mechanics
Transit mix, 5 yards and over
Transit mix, under 5 yards
Double bottom units (20 tons cap. &
over)

Basic Hourly Rate	Fringe Benefits Payments			Labor
	M & V	Pensions	Vacation	
\$ 4.175				
4.225				
4.225				
4.225				
4.30				
4.425				
4.425				
4.30				
4.425				
4.425				
4.325				
4.30				
4.425				
4.425				
4.325				
4.325				
4.375				
4.275				
4.425				

HEAVY AND HIGHWAY CONSTRUCTION

Johnson & Wyandotte Counties, Kansas

Carpenters; Millwrights; Pile-drivers
Cement masons
Electricians
Ironworkers
Painters:
Brush
Spray
Tapers
High work

\$8.12	.33	.30	.25	.05
8.905	.20	.45	.50	.05
8.30	.20	11 + .25	.70	.03
8.50	.40	.40	.80	.05
7.77	.30	.35		
8.77	.30	.35		
7.77	.30	.35		
8.52	.30	.35		

Johnson & Wyandotte Cos., Kans.

BUILDING CONSTRUCTION

LABORERS:

Common laborer, wire mesh handlers or
setters; Carpenter tenders; Track
men; Flagmen; Signalmen; Scaffolding
tenders; Window cleaners; Floor
cleaners; Landscape men; Sod layers;
Wrecker (for alterations or entire
projects)
Plumber laborers (conduit pipe, sewer
work, drain tile & duck lines,
digging & back filling), power
tool operators; Pier hole diggers
(over 10 ft.); Vibrator, jackhammer,
& Chipping hammer operators; Chain
saw operators; Concrete saw opera-
tors; Brush feeders on pulverizers;
Reinforcing steel handlers; Air
tamp operators; Ditch witch opera-
tors; Swinging scaffolds
Stone mason tenders; Cutting torch
or burner men; Concrete bodies
(self-propelled); Brick tenders;
Plasterers tenders; Fork lift (up
to 9 ft.); Roseman; Insulation man
Mortar men (hod carriers); scaffold-
ing (swinging or tending) hod carri-
ers
Barco, Jackson or similar tamp opera-
tors; Asphalt rakers; Powder men;
Mastic hot kettle men; Sandblasting
& Sunnite nozzle men; Wagon & Churn
drill operators

Basic Hourly Rate	Fringe Benefits Payments			Labor
	M & V	Pensions	Vacation	
\$5.71	.30			
5.805	.30			
5.905	.30			
6.00	.30			
6.10	.30			

AO-44 P. 15

"Johnson & Wyandotte Counties,
Kansas"
BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

"A" Frame Trucks; Boilers (1); Excavators
Power Operated (all types); Chip
Spreader (front end); Calf Plow Op.;
Compressor (1) 105 feet or over; Con-
crete Saws, Self-propelled; Conveyor
Operator; Grab-power operated; Curb
Finishing Machine; Elevator; Finishing
Machine; Fireman on Rigs; Flex Plaster;
Floating Machine; Form Grader; Fork-
Lift - all types & sizes; Greaser;
Hoist, Endless Chain - power operated;
Hopper - Power Operated; Hydra Hammer
(all types); Lad-A-Vator; Mixers (with
Side Loaders); Pumps (with well points);
Pump (water) Boilers (all types);
Siphons, Jets & Jannys; Sub Graders;
Tractors over 50 H.P.

Asphalt Paver & Spreader; Asphalt Plant
Mixer Operator; Asphalt Plant Operator
Back Fillers; Back Hoe, all types;
Barber-Croene Loader; Blade-Power, all
types; Boats - Power; Boiler (2);
Boring Machine (all types); Cableways;
Cherry Pickers (all types); Chip
Spreader; Clamshells; Combination Con-
crete Hoist & Mixer, such as mixer-
mobile (with tower, 50¢ per hour addi-
tional) Compressors (2) 105 feet or
over not more than 20 feet apart; Com-
pressors - tandem (any sizes); Com-
pressors - single, Truck Mounted; Con-
crete Ready-Mixed Plant, Portable (job
site); Concrete Mixer Paver; Crane or
Rigs (all types); Crane-over-head;
Crusher, rock; Derricks & Derricks Cars
(Power operated); Ditching Machines;
Dozer; Draglines; Drudges, any type
power; Grapple; Hoist, Endless Chain-
power Operated with Power Travel;
Loaders - all type: Locomotives - all
types; Mechanics & Welder; Mucking Ma-
chine; Orange Peelers; Pile Drivers;
Pumps - material - all types; Push Cato;
Scoops (all types); Self-propelled
Rotary Drill; Shovel, Power; Side boom;
Skimmer Scoop; Testhole Machine;
Throttle Man

AO-44 P. 20

FAM-PED-1-b (1-2)

(3-2)

POWER EQUIPMENT OPERATORS (Cont'd)	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Retirement	Vacation	App. To		H & W	Retirement	Vacation	App. To
Crane-tower or climbing					\$7.65	.25	.25		.02
Clamshells, crane or rig, draglines & Pile Drivers with 80 feet of boom or over (including jib)					7.40	.25	.25		.02
Crane or Rigs over 200 feet					7.65	.25	.25		.02
Hoists - each additional drum over 1 drum					7.15	.25	.25		.02
Master Mechanic					8.15	.25	.25		.02
Master Mechanic - Assistant					7.90	.25	.25		.02
Oilier; Tractors (except when hauling material) less than 50 H.P.					6.35	.25	.25		.02
Oilier Driver - all types					6.60	.25	.25		.02
Ready-Mixed Concrete Plants: Crane Operator					6.83	.25	.25		.02
Conveyor; loader operator; plant man					6.63	.25	.25		.02

Johnson & Wyandotte Cos., Kansas

AQ-44 F. 21

"Site Preparation & Grading, Heavy & Highway Construction"

POWER EQUIPMENT OPERATORS

Group I
Asphalt Paver and Spreader; Auto Grader; Back Hoe; Blade Operator, all types; Boilers - 2; Booster Pump on Dredge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator - 2; Concrete Plant Operator - Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineer; Dredge Operator; Drillcat with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, self-propelled; High Loader - Fork Lift; Locomotive Operator, Standard Gauge; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Piling Crane Operator; Pump - 2; Quad-Trac; Scoop Operator - all types; Scoops in Tandem; Self-Propelled Rotary Drill (Laroy or Equal - not Air Trac); Shovel Operator; Side Discharge Spreader; Suction Crane; Skimmer Scoop Operator; Throttle Man; Truck Crane; Welding Machine Maintenance Operator - 2; Hoisting Engine-2 active drums

Group II

"A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Asphalt Roller Operator; Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry - Power Operated; Concrete Mixer Operator, Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser; Hoisting Engine - 1 drum; LaTourette Boats; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Stump Cutting Machine; Towboat Operator; Tractor Operator - over 50 HP

Group III

Boilers - 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator - 1; Concrete Saw, Self-Propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Gilder Driver, all types; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than High Type Asphalt; Screening and Washing Plant Operator;

100 - KAN PEO 2 - 3 - 1 (1-2)

Basic Hourly Rates	K & W	Pensions	Vacation	App. T.	Others
\$8.80	.50	.50	.50	.10	
8.55	.50	.50	.50	.10	

100 - KAN PEO 2-3-1 (2-2)

Basic Hourly Rates	K & W	Pensions	Vacation	App. T.	Others
8.30	.50	.50	.50	.10	
7.80	.50	.50	.50	.10	
9.05	.50	.50	.50	.10	
9.30	.50	.50	.50	.10	

POWER EQUIPMENT OPERATORS (CONT'D)

Group III (Cont'd)
Self-Propelled Street Broom or Sweeper; Siphons and Jets; Sub-Grading Machine Operator; Tank Car Reeler Operator - Combination Boiler and Booster; Tractor - 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1
Group IV
Mechanic's Helper; Oilier
Clamshells, 3 yd. capacity or over; Crane or Rigs, 50 ft. of boom or over (including jib); Draglines, 3 yd. capacity or over; Pile Drivers, 80 ft. of boom or over (including jib); Shovels, 3 yd. capacity or over
Crane or rigs, over 200 ft. of boom (including jib)
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.

Basic Hourly Rates	Fringe Benefits Payments			App. To	Other
	H & W	Positions	Vacation		
7.00	.40	.40	.50	.10	
FIRST SEMI-SKILL					
Carpenter Tenders, Scaffolding Tenders, Dump Man & Ticket Takers on Stock Piles, Flaming, Loading Trucks under Bins, Hoppers and Conveyors, Track men and all other General Laborers					
FIRST SEMI-SKILL					
Air Tool Operator, Cement Handler (Bulk or Sack), Chain or Concrete Saw, Deck Hands, Dump man on earth fill, Grade checker on Cuts and Fills, George Buggies Man, Material Hatch Hopper man, Scale man, Material Mixer Man (except on Manholes, Coffin Dams, Abutments and Pier Hole men working below ground, Riprap Fevers Rock, Block or Brick, Signal man, Scaffolds over 10 ft. not self-supported from ground up, Skipman on concrete paving, Vibrator man, Wire mesh setters on concrete paving, all work in connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Concrete pipe, Tile & Duct Lines and all other pipe lines, Power Tool Operator, all work in connection with Hydraulic or General Bridging Operations, Form Setter Helpers Padlers (paving only)					
7.15	.40	.40	.50	.10	
SECOND SEMI-SKILL					
Crusher Feeder, Men Handling concrete Ties or concrete materials, Men working with and handling epoxy material or materials (where special protection is required), Head Pipe Layer on Sewer work, Tapper of Standing trees, Batter Board man on Pipe & Ditch work, Feeder Man on Wood Paving, Sourd and Willow Hat Weavers and Cable Tiers on River Work, all Laborers working on underground tunnels where compressed air is not used					
7.30	.40	.40	.50	.10	

Basic Hourly Rates	Fringe Benefits Payments			App. To	Other
	H & W	Positions	Vacation		
7.50	.40	.40	.50	.10	
THIRD SEMI-SKILL					
Spreader or Screed man on Asphalt Machine, Asphalt Baker, Laser Beam Man, Barco Tapper, Jackson or any other similar Tamp, Wagon Driller, Churn Drills, Air Track Drills and all other similar Drills, Cutting Torch Man, Form Setters, Liners and Stringline Men on Concrete Paving, Curb, Gutters and etc., Hot Mastic Kettlemen, Hot Tar Applicator, Hand Blade Operators, Manhole Builders Helpers and Mortar Men on Brick or Block Manholes, Sand Blasting and Granite Nozzle Men, Rubbing Concrete, Air Tool Operator in Tunnels					
7.80	.40	.40	.50	.10	
FOURTH SEMI-SKILL					
Manhole Builder (Brick or Block), Dynamite and Powder Men, Welder, Leadman or Working Foreman, Tunnel Leadman or Working Foreman					
Johnson & Wyandotte Cos., Kansas					
"Site Preparation & Grading, Heavy & Highway Construction"					
TRUCK DRIVERS:					
One Team, Station Wagon; Pickup Trucks; Material Trucks, Single Axle; Tank Wagon Drivers, Single Axle					
\$ 7.99	.50	.50	.50		
Material Trucks, Tandem; Two Teams; Semi-Trailers; Winch Truck - Fork Truck; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon Drivers, Tandem or Semi-Trailer; Insley Wagons; Dump Trucks excavation 5 cu. yds. and over; Dumpsters; Half-Trucks; Speedee; Euclids and other similar excavating equipment					
7.59	.50	.50	.50		
7.90	.50	.50	.50		
8.05	.50	.50	.50		
7.165	.50	.50	.50		
A Frame-Low Boy-Boom truck drivers					
Mechanics & Welders					
Mechanics' Helpers, Oilers & Greasers					

AQ-64 P. 25

Kansas Line Construction #1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Fees/Ins.	Vacation	App. To
Western 3/4 of Johnson County, Kansas					
LINE CONSTRUCTION:					
Lineman	\$7.06	.35	12		1/22
Cable splicers	7.41	.35	12		1/22
Groundman, over 1 year	4.41	.35	12		1/22
Groundman, 1st year	3.37	.35	12		1/22
Powderman	5.86	.25	12		1/22
Line truck & equipment operator:					
1st year	4.52	.35	12		1/22
2nd year	5.39	.35	12		1/22
Over 2 years' experience	5.86	.35	12		1/22

Kansas Line Construction #2

Wyandotte County & remainder of Johnson County, Kansas

LINE CONSTRUCTION:					
Lineman	\$7.95	.15	12+15		32
Lineman operator	7.50	.15	12+15		32
Lineman mechanic	6.37	.15	12+15		32
Groundman powderman	5.47	.15	12+15		32
Groundman	5.19	.15	12+15		32
Groundman (1st year)	4.79	.15	12+15		32

STATE: Pennsylvania
 COUNTY: Mercer
 DECISION NO.: AQ-2,000
 SUPERSEDES DECISION NO. AD-479, dated March 2, 1973, in 38 FR 5765.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to & including 4 stories), Heavy & Highway Construction

43-7A-1-1-1 1 of 2

BUILDING CONSTRUCTION	FRINGE BENEFITS PAYMENTS					OTHERS
	BASIC HOURLY RATES	H & V	PENSION	VACATION	APP. TR.	
Asbestos workers	\$9.69	.30	.30		.02	
Boilermakers	8.75	6.5%	6.5%		.01	
Bricklayers	8.00	.35	.20		.02	
Carpenters	8.31	.30	.50		.02	
Cement masons	8.24	6%	18%			
Electricians	9.30	.35	.25		.01	
Glaziers	8.57	.35	.20		.01	
Ironworkers, structural	9.37	.35	.45		.05	
Ironworkers, ornamental	9.37	.35	.45		.05	
Ironworkers, reinforcing	9.37	.35	.45		.05	
Laborers:						
Laborers, carryable pumps, wet brick						
baggy or similar, vibrator operators,						
walk behind forklift or similar (non						
self-propelled) stripper and power or						
form, cement masons, footers, window						
cleaner, tool room man, all material						
conveyor (regardless of cover used,						
including starting & stopping)						
Wet brick buggy or similar (self-	6.70	.40	.40			
propelled), power wheelbarrows and						
buggies, walk behind forklift or						
similar, (self-propelled) wagon drill						
helper, drill runner, drill runners'						
helper, (including drill mounted on						
truck, track or similar), blaster's						
helper, all operators of compacting						
equipment, pipe layer, barrier, jack-						
hammerman - concrete buster	6.825	.40	.40			
rod carrier, scaffold builder, ball &						
bottom man on furnaces & stacks, *						
mortar mixer, mortar mixing machine						
(regardless of power used, including						
starting & stopping) grout machine						
feeder & pump operator	6.95	.40	.40			
Concrete saw operators	6.95	.40	.40			
Concrete saw operator	7.20	.40	.40			
Concrete workman	7.40	.40	.40			
Blaster, wagon drill operator	8.18					
Lathers						
Line Construction:						
Line men	6.94	.15	.15			
Cable splicer & dynamite man	6.94	.15	.15			
Digging machine operator	6.94	.15	.15			
Tractor & compressor operator	6.94	.15	.15			

BUILDING CONSTRUCTION

Line Construction: (cont'd)

Groundman - truck driver
GroundmanMarble setters
Marble setters' helpers
Millwrights
Painters:Commercial
Roller
Spray
Painters, Industrial
Brush
Roller
Spray
Filed driverman
Plasterers:Sherranpo, Sandy Lake & Fredonia
Remainder of County

Roofers

Sheet metal workers

Soft floor layers

Sprinkler fitters

Steam fitters

Stonemasons

Terrazzo workers

Terrazzo workers' helpers

Tile setters

Tile setters' helpers

Welders - reactive rate prescribed for
craft performing operation to which
welding is incidental.

43-7A-1-1-1 2 of 2

FRINGE BENEFITS PAYMENTS

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS					OTHERS
	H & V	PENSION	VACATION	APP. TR.		
4.92	.15	.15				
4.73	.15	.15				
8.365	---	---				
7.015						
9.01	.30	.50		.02		
6.50	.30	.30		.01		
6.80	.30	.30		.01		
7.50	.30	.30		.01		
7.20	.30	.30		.01		
7.50	.30	.30		.01		
8.20	.30	.30		.01		
9.01	.30	.50		.02		
8.90						
8.00	.25	.20		.02		
9.46	.40	.40		.02		
8.02	.35	.50		.01		
8.90	.20	.25		.01		
8.13	.30	.50		.02		
8.75	.30	.50		.05		
9.65	.40	.40		.02		
8.00	.35	.20		.02		
8.365						
7.015						
8.365						
7.015						

AQ-2,030 P. 3

29-2-FED-1-5

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BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (GOM or similar), backhoe, batch plant when conveyors are used for direct feed ing or discharge, batch plant - no con- veyors for direct feeding or discharge (without other) cableway, edisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-trave ler (self propelled), derrick (all types) (when assistance required it will be an other or apprentice), derrick boats, dredge, dredge, engineer-maintenance (mechanic weekly rated), trucks or similar type, pile driver, groutall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (what used for erec- tion purposes, Ht lift & yds. or over hoist-hod (2 cases up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stores or furnaces), hoist (uniform jobs) hog-to or similar type with 180° swing, hog-to or similar type with 360° swing, local, loading scoop, retro chip harvester or similar type, mix mobile or similar type (with self-load- ing attachment), mix mobile or similar type, mixing machine (tunnel), multiple bowl machines, pipe driver (conic or similar type) (when assistance required it will be an other or apprentice), post driver - guard rail (truck mounted pumpcrete-mobile or similar type, quad mine, shovels (all types), skip for paver (GOM or similar), tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley

Basic Hourly Rates	Fringe Benefits Payments				Comments
	H & V	Pensions	Vacation	App. To	
\$9.425	.50	.50		.09	

AQ-2,030 P. 4

29-2-FED-1-5

2 of 2

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS: (CONT'D)

Austin-Western or similar type up to 25 ton with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-hod (2 cages over 10 floors) Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - load Cranes (boom or mast over 200 ft. +.15 Asphalt Plant Operator, edison loader, sagger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat or job work (inboard or outboard), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - array or similar type, drill - core (truck or self mounted), drill - well & core (truck mounted) elevator (new buildings and major re- modeling old), excels loader, excavat- ing equipment (all other), formlift- hall or similar, grader, grader-eleve- ting, greaser-equipment (head), Ht-lift less than 8 yds., hoist - one drum (4 floors or over), hoist - hod (buildings & floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift also me- chine (hydraulic), mixer - paving, rock- ing machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie, cooling, concrete & holding tanks), Ross carrier (or similar type) scoop (single head) self-powered & tractor drum) spreader - concrete, asphalt and stone

Basic Hourly Rates	Fringe Benefits Payments				Comments
	H & V	Pensions	Vacation	App. To	
\$9.675	.50	.50		.09	
9.925	.50	.50		.09	
10.175	.50	.50		.09	

AQ-2,030 P. 1

PA-2-10-1-T

AQ-2,030 P. 8

PA-26-Lab-2-3-J 1 of 2

BUILDING CONSTRUCTION

Truck Drivers:

Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)
Dumps and flat tops
Transit-mix, single axle
Transit-mix, tandem
Distributed truck over 33,000 lbs.
gross weight
Distributed truck up to 33,000 lbs.
gross weight
Heavy duty trailers with high bed, 4 wheels
Heavy duty trailers with low bed, 6 to 16 wheels
Trucks with dolly
Excels or equivalent
Truck with dump trailers or tandems
Winch trucks
Towing equipment off job site

FOOTNOTES:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterans Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

HEAVY & HIGHWAY CONSTRUCTION

Laborers:

Construction laborer (including tenders handling submersibles, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tamper, Batchman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffin dam, Concrete pitman, Puddler including vibrator operator, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-jet blaster nozzlemen, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Shelters and shoring, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper
Asphalt, batch and concrete plant operator (manually operated), Asphalt rollers, Berner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (giving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line men), 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, Deep 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

Job Description	PA-2-2D-2-3-G (7-2)				PA-2-2D-2-3-G (7-2)			
	Basic Hourly Rates	HLW	Penalties	Vacation	App. Tr.	Basic Hourly Rates	H & W	Penalties
Jumbo Operator, Locomotive (narrow gauge) Mechanic, Minor Equipment Operator (Accumulative four units) Rolling 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 (Tavey or similar) Welder and Repairman, Well Point Pump Operator	\$ 7.97	.35	.50			\$6.16	6%	3.5%
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.61	.35	.50	.04		6.30 6.39	6% 6%	3.5% 3.5%
Pallant Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 c. y. and under with Skip) Concrete Saw (Hidden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Hidden or self-propelled) Form Line Machine, Concrete, Curb Pump, Heater (Mechanical) Hoist (single drum) Ladicator, Light Plant, Mulching Machine, Pavement Screener (Self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Peller, Tie Tapper (Multi-head) Tractor-shaking and hauling, Tagger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing) Deck Road, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oilier, Power Moon, Side Delivery Shoulder Spreader	5.16 5.01	.35 .35	.50 .50	.04 .04		6.46 6.21 6.30 6.39	6% 6% 6% 6%	3.5% 3.5% 3.5% 3.5%

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS

Trucks under 33,000 lbs. gross load capacity (including all types of trucks such as fuel, dump, flat bottom, pickup, and similar equipment, parts men and warehousemen)

Trucks over 33,000 lbs. gross load capacity (including all types of trucks such as fuel, dump (landed), 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-engine or tandem: at heavy 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 tillage 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

STATE: Texas
COUNTY: Travis
DISTRICT NO.: AQ-45
BATT: Date of Publication
Supersedes Decision No. AQ-10, dated August 3, 1971, in 38 FR 21782.
DESCRIPTION OF DUTY: Building Construction, (excluding single family
houses and garden type apartment up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments			Others
		M & W	Vacation	App. Tr.	
ASBESTOS WORKERS	\$7.68	.30	.30	.08	
BOILERMAKERS	7.00	.30	.76	.02	
BRICKLAYERS - STONEMASONS	6.95	.35	.20	.03	
CARPENTERS:					
Carpenters	6.88	.33	.30	.02	
Millwrights	7.13	.33	.30	.02	
CEMENT MASONS	6.14	.25	.10		
ELECTRICIANS					
Electricians	7.75		1%	8%	
Cable splicers	7.75		1%	8%	
ELEVATOR CONSTRUCTORS	6.57	.345	.23	24%+B	
ELEVATOR CONSTRUCTORS' HELPERS	7.07B	.345	.23	24%+B	
ELEVATOR CONSTRUCTORS' HELPERS (TRUCK)	5.65				
GLAZIERS					
Structural; Ornamental; Reinforcing	6.765	.40	.50	.12	
LABORERS:					
General laborer and pier hole men	4.015	.275	.15	.02	
Mason tender; Pipelayer (concrete & clay); Cement finisher tender; scaffold builder; Gunnite & cement work mixer & power tool operator	4.175	.275	.15	.02	
Plaster tender; Mud carrier; Mortar mixer; Lather tender; Water or damp proofers	4.35	.275	.15	.02	
Gunitite over 15" thick; Nozzlemen; Machine operator; Powderman & blaster	4.425	.275	.15	.02	
LATHERS	7.075	.20		.01	
MARBLE SETTERS	6.50				
MARBLE SETTERS' HELPERS	4.02				
PAINTERS:					
Painters, brush	5.95				
Taping & floating of sheetrock	5.95				
Paperhangers	6.20				
Spray	6.45				
Steam cleaning, sand blast & other powered equipment	6.45				
Chipper, burnar, torch	6.20				
Skeleton steelwork erected	6.20				
Swinging stage, boson chair, window jack or scaffolding (above 10d floor) 1st per hour above all base rates					

BUILDING CONSTRUCTION

PLASTERERS
PLUMBERS
ROOFERS:
 Roofers
 Kettlemen
SHEET METAL WORKERS
SOFT FLOOR LAYERS
SPRINKLER FITTERS
STEAMFITTERS
TERRAZZO WORKERS
TERRAZZO WORKERS' HELPERS:
 Terrazzo helpers
 Floor machine operators
 Base machine operators
TILE SETTERS
TILE SETTERS' HELPERS
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 1%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

AQ-45 P. 3

18 - Texas PEO - 1 c

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

Backfiller; Backhoe; Blade grader - self-propelled; Bull clam; Bulldozer and all types of cat tractors; Cableway; Clamshell operator; Crane - power operated, all types; Derricks - power operated, all types; Draglines; Elevating grader - self-propelled; Euclid operator; Foundation boring machine; Grapple; Heavy duty mechanical High lifts and loader, over 1/3 cu. yd. capacity; Hoist - motor driven, two drums or more; Locomotive; Mixer, 14 cu. ft. or over; Miniobile; Paving mixer - all types; Pumpcrete machine; Push cat operator; Rock crusher operated on job; Scoopmobile; Scraper; Shovel - power operated; Trenching machine - all types; Two 125 cu. ft. compressors; Welding machines - 6 to 12; Wheel truck; Well points, including installations

\$7.075

Air compressor, anytime there are two or more attachments operating on a 125 cu. ft. air compressor, or less, a light equipment operator shall be employed, any compressor over 125 cu. ft. shall have a light equipment operator; Blade grader - towed; Flex plane; Fork lift, 1500 lbs. capacity or less; Hoist, single drum; Pump 2 1/2 inches or larger; Pneumatic roller; Mixer - less than 14 cu. ft.; Pulverizer; Truck crane driver & other combination man; Form grader, gasoline or diesel driven welding machine, 3 to 6; High-lifts & loaders, 1/3 cu. yd. or less

6.205

Firmman

Officer

5.23

5.13

AQ-45 P. 4

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INCIDENTAL PAVING & UTILITIES

Air Tool Man
Asphalt Baker
Batching Plant Scaleman
Carpenter
Concrete Finisher (Structures)
Concrete Finisher Helper (Structures)
Electrician
Form Builder (Structures)
Form Builder Helper (Structures)
Form Setter (Structures)
Form Setter Helper (Structures)
Laborer, Common
Laborer, Utility Man
Mechanic
Mechanic Helper
Miller
Serviceman
Pipelayer
Powderman
Powderman Helper
Reinforcing Steel Setter (Paving)
Reinforcing Steel Setter (Structures)
Reinforcing Steel Setter Helper
Power Equipment Operators:
Asphalt Distributor
Asphalt Paving Machine
Bulldozer, 150 HP and Less
Bulldozer, over 150 HP
Crane, Clamshell, Backhoe, Derrick
Dragline, Shovel (less than 1 1/2 CY)
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)
Crusher or Screening Plant Operator
Elevating Grader
Foundation Drill Operator (Crawler Mounted)
Foundation Drill Operator (Truck Mounted)

\$2.30
2.85
3.50
3.45
2.25
3.15
2.50
5.75
3.50
2.00
3.50
2.30
2.00
2.25
3.30
2.40
2.25
2.85
3.15
3.25
2.00
2.75
3.00
3.05
3.00
3.25
3.25
3.50
3.00
3.00
2.85
4.35

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INCIDENTAL PAVING & UTILITIES

Power Equipment Operators (Cont'd.):

Front End Loader (2 1/2 CY and Less)
 Front End Loader (Over 2 1/2 CY)
 Motor Grader Operator, Fine Grade
 Motor Grader Operator
 Roller, Steel Wheel (Plant-Mix Pavements)
 Roller, Steel Wheel (Other-Flat Wheel or Tamping)
 Roller, Pneumatic (Self-Propelled)
 Scrapers (17 CY and Less)
 Scrapers (Over 17 CY)
 Tractor (Crawler Type) over 150 HP
 Tractor (Pneumatic) 80 HP and Less
 Tractor (Pneumatic) over 80 HP
 Wagon Drill, Boring Machine or Post Hole Driller Operator
 Truck Drivers:
 Single Axle, Light
 Single Axle, Heavy
 Tandem Axle or Semitrailer
 Trailer

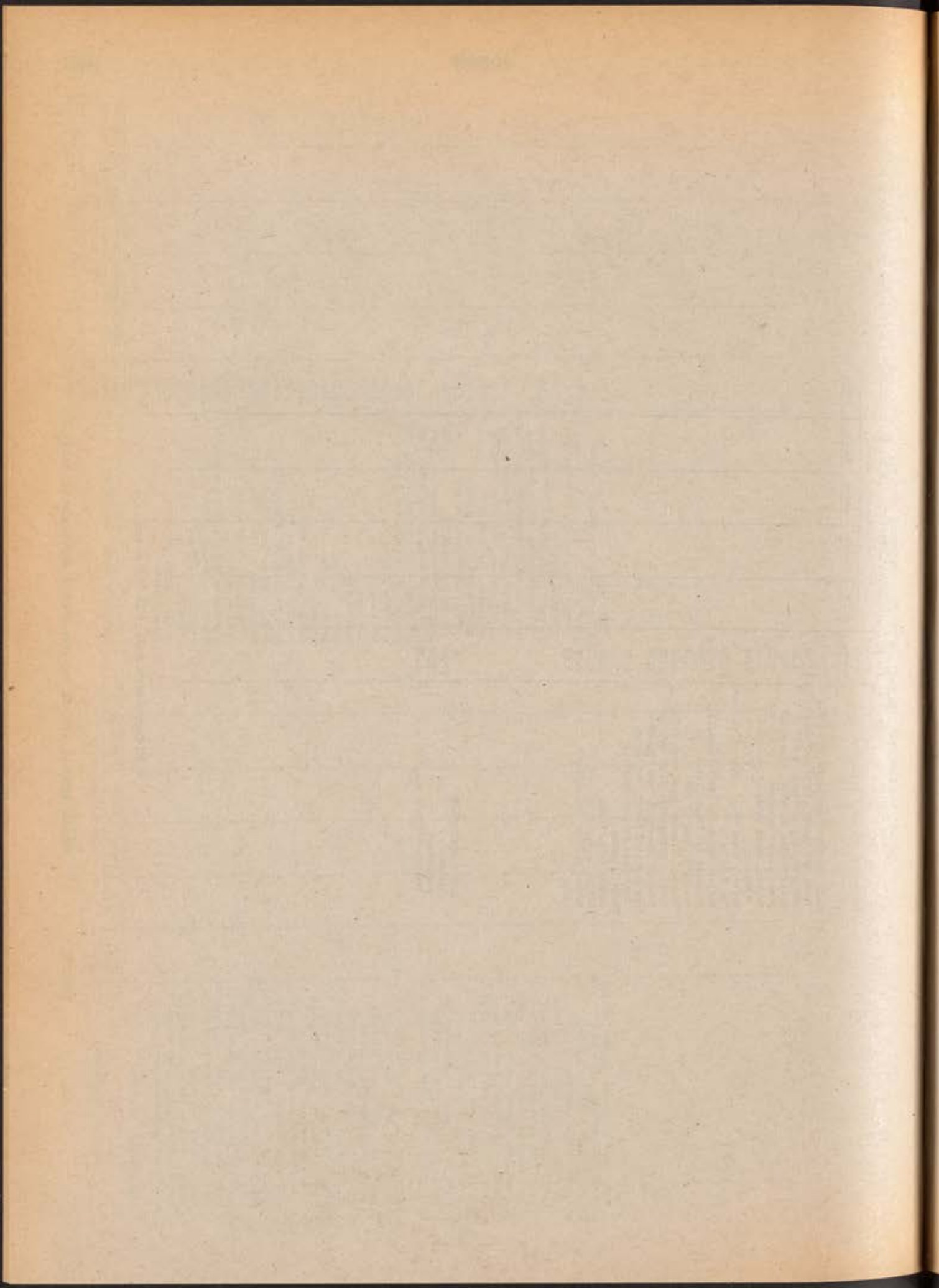
LINE CONSTRUCTION:

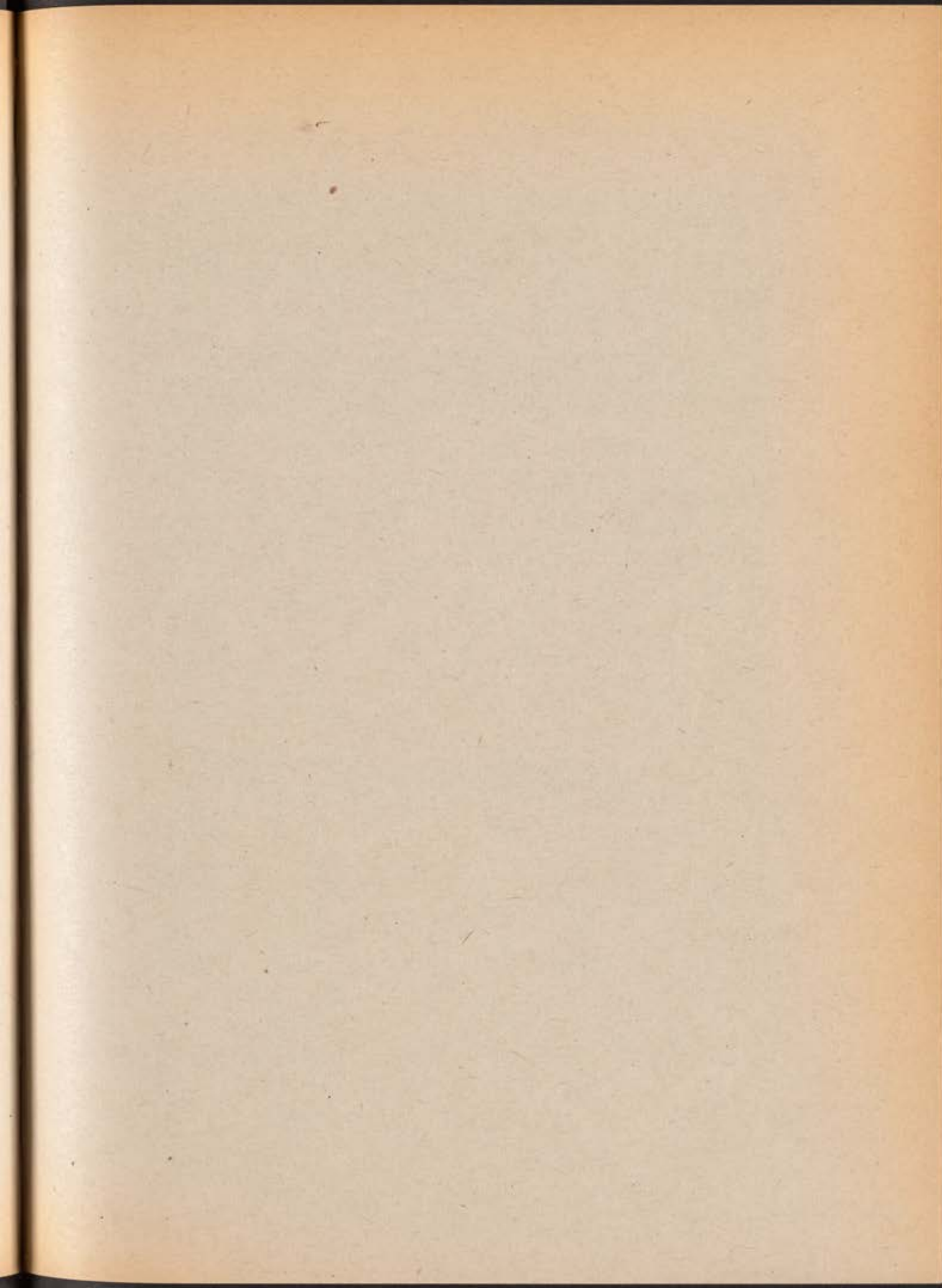
Linemens
 Groundmen
 Groundmen (lsc 6 mos.)

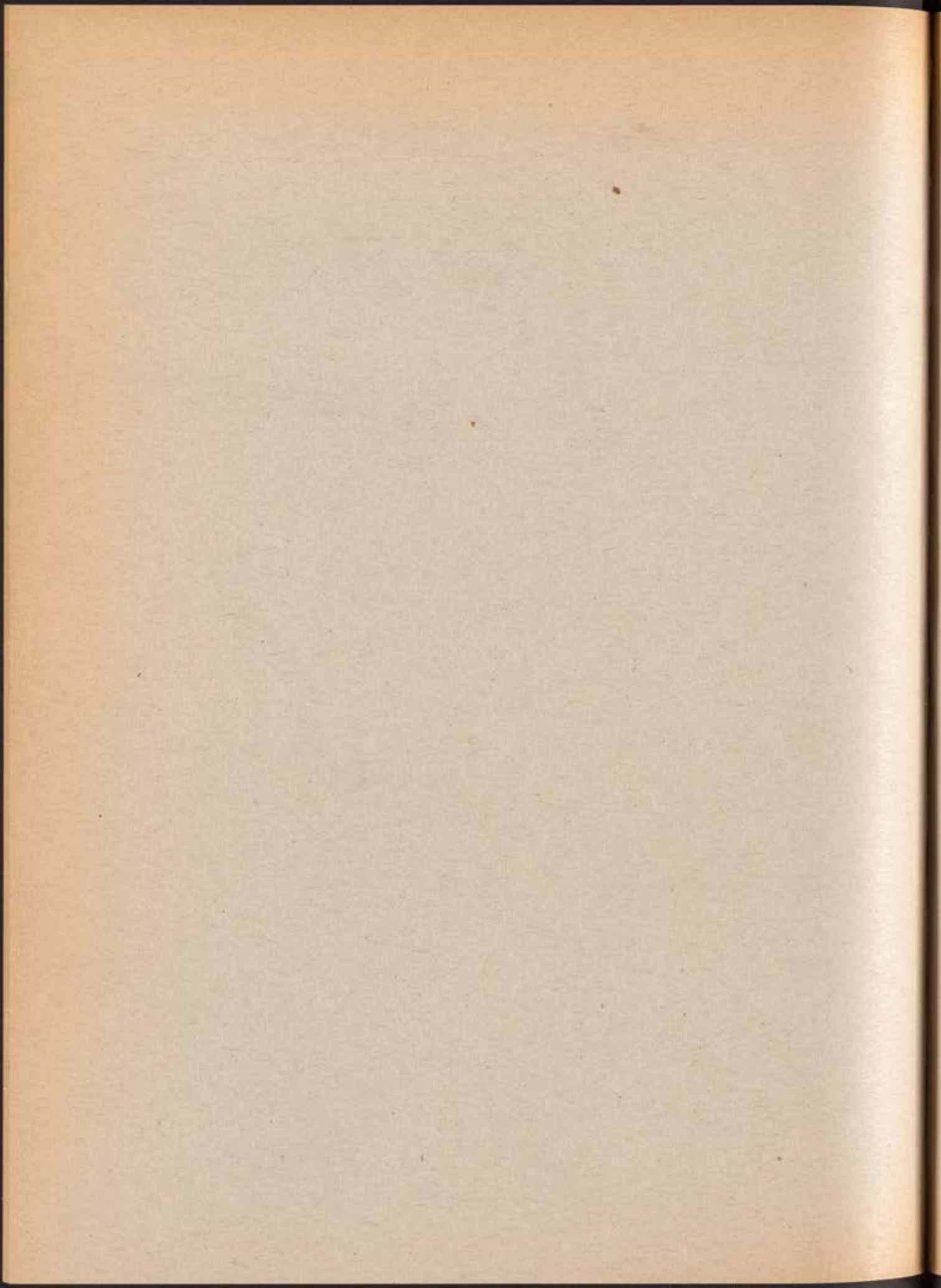
Basic Hourly Rates	Range Grades, Payments			
	M & M	Pensions	Vacation	App. Tn.
\$3.00				
3.50				
3.75				
3.25				
2.95				
2.50				
2.25				
3.00				
3.25				
2.75				
2.20				
2.55				
2.75				
2.00				
2.25				
2.50				
3.85				
57.47	.28			1/21
5.38	.28	1%		1/21
4.29	.28	1%		1/21

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[FR Doc 73-24274 Filed 11-15-73; 8:45 am]







AMERICAN
FIELD NO. 1000
MICHIGAN

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AMERICAN
FIELD NO. 1000
MICHIGAN

MICROFILM EDITION FEDERAL REGISTER 35mm MICROFILM

Complete Set 1936-71, 202 Rolls \$1,439

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	\$7	13	1948	\$28	25	1960	\$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42	36	1971	97

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