(2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period, and (3) such period began on August 1, 1973, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

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

Dated: November 19, 1973.

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

[FR Doc.73-25031 Filed 11-26-73;8:45 am]

PART 967—CELERY GROWN IN FLORIDA

Expenses and Rate of Assessment

This document authorizes the Florida Celery Committee to spend not more than $82,600 for its operations during the fiscal year ending July 31, 1974, and to collect $0.01 per crate on assessable celery handled by first handlers.

The committee was established under Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967), regulating the handling of celery grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the November 6 FEDERAL REGISTER (38 FR 30563) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than November 15, 1973. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is found that the following budget and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal year shall apply to all assessable celery from the beginning of such year.

§ 967.209 Expenses and rate of assessment.

(a) The expenses that are reasonable and likely to be incurred during the fiscal year ending July 31, 1974, by the Florida Celery Committee for its maintenance and functioning and for such purposes as the Secretary may determine to be appropriate will amount to $82,600.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one cent ($0.01) per crate of celery handled by him as the first handler thereof during said fiscal year.

(c) As provided in § 967.62, unexpended income in excess of expenses for the fiscal year ending July 31, 1974, may be carried over as an operating reserve.

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

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

Dated: November 21, 1973.

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

[FR Doc.73-25106 Filed 11-26-73;8:45 am]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Marketing Control Percentages for the 1973–74 Marketing Year

Notice was published in the October 31, 1973, issue of the FEDERAL REGISTER (38 FR 30003), regarding a proposal to establish marketable and surplus percentages for merchantable walnuts for the 1973–74 marketing year as follows: California (District 1), 82 percent and 18 percent, respectively; and Oregon and Washington (District 2), 91 percent, and 9 percent, respectively. The marketing year began on August 1, 1973. The proposal was pursuant to the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

Pursuant to § 984.48 of the marketing agreement and order program, the Walnut Control Board recommended to the Secretary of Agriculture a marketing policy for the 1973–74 marketing year. The Board's recommended marketing policy included its recommendation that marketable and surplus percentages be set for District 1 at 80 percent and 20 percent, respectively, and for District 2 at 90 percent and 10 percent, respectively. In recognition of marketing and production differences between California, and Oregon and Washington, the order specifics that the surplus percentage for Oregon and Washington be one-half the California percentage. The percentages recommended by the Board were based on its estimates of supply and inshell and shelled trade demands, adjusted for handler carryover, for the current marketing year. The total 1973–74 supply subject to regulation was estimated at 120.5 million pounds kernelweight. Inshell and shelled demands adjusted for handler carryover were estimated at 30.8 and 65.3 million pounds kernelweight, respectively, or a total demand of 96.1 million pounds kernelweight.

In order to make more merchantable walnuts available for domestic markets during 1973–74 than estimated by the Board, it was recommended to the Board that the marketable and surplus percentages for District 1 be 82 percent and 18 percent, respectively, and for District 2, the percentages be 91 percent and 9 percent, respectively. These are the same percentages as were in effect for the respective Districts during the 1972–73 crop year. The revised volume control percentages would make available 2.3 million pounds more than the Board's estimate. The Board consented to the revised recommended percentages.

The marketable percentage prescribes that portion of the total merchantable supply which may be handled in domestic markets. The surplus percentage prescribes that portion of the total supply subject to regulation which must be withheld as surplus and diverted to export, oil, livestock feed, or other outlets the Board finds to be noncompetitive with domestic markets.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Board, and other available information, it is found that establishment of marketable and surplus percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that marketable and surplus percentages desired for a particular marketing year shall be applicable to all walnuts handled during such year; and (2) the current 1973–74 marketing year began August 1, 1973, and the percentages hereinafter established will automatically apply to all such walnuts beginning with such date.

Therefore, the marketable and surplus percentages for walnuts during the 1973–74 marketing year are established as follows:

§ 984.220 Marketable and surplus percentages for walnuts during the 1973–74 marketing year.

The marketable and surplus percentages during the marketing year beginning August 1, 1973, shall be as follows:

	California District 1	Oregon-Washington District 2
Marketable percentages	82	91
Surplus percentages	18	9

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

Dated: November 19, 1973.

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

[FR Doc.73-25105 Filed 11-26-73;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

Areas Quarantined

This amendment quarantines Hansford and Bailey Counties in Texas because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

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), the provisions in Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, are hereby amended as follows:

§ 73.1a is amended to read:

§ 73.1a Notice of quarantine.

Notice is hereby given that cattle in certain portions of the State of Texas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) Bailey County.
(2) Castro County.
(3) Deaf Smith County.
(4) Hansford County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f) 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on November 21, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 21st day of November 1973.

E. E. SAULMON,
Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.73-25103 Filed 11-26-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 100—REACTOR SITE CRITERIA

Seismic and Geologic Siting Criteria

Correction

In FR Doc. 73-23876, appearing at page 31279 in the issue for Tuesday, November 13, 1973, in Appendix A, section VI, add the following legend under the diagram:

FIGURE 1—DIAGRAMMATIC ILLUSTRATION OF DELINEATION OF WIDTH OF ZONE REQUIRING DETAILED FAULTING INVESTIGATIONS FOR SPECIFIC NUCLEAR POWER PLANT LOCATION.

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Miscellaneous Amendments

Correction

In FR Doc. 73-24569, appearing on page 31813 of the issue for Monday November 19, 1973, footnote 2, now appearing at the bottom of the middle column on page 31813, should be redesignated as footnote 6 and should appear in the document below numbered paragraph 3.

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Schedule II Control of Amobarbital, Pentobarbital, Secobarbital and Their Salts

Correction

In FR Doc. 73-24304, appearing at page 31310 in the issue of Tuesday, November 13, 1973, the section heading reading "§ 1308.14 *Schedule III*" should read "§ 1308.13 *Schedule III*".

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 3—CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING OR PUBLIC WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

Loan Guarantees and Insurance

Section 3.2(d) of Title 29 defines the term "building or work financed in whole or in part by loans or grants from the United States" for purposes of application of the provisions of the anti-kickback regulations in 29 CFR Part 3. This paragraph states that the term does not include building or work for which Federal assistance is limited solely to loan guarantees or insurance.

The principal loan guarantee and insurance program is currently administered by the Federal Housing Administration (FHA). There is no less need for the anti-kickback regulations, on projects on which minimum rates determined in accordance with the Davis-Bacon Act are required, where such projects are financed with the assistance of grants by the Federal Government of loan guarantees or insurance than where the projects are financed with the aid of Federal loans or grants of money. In fact, the FHA has at all times been requiring the weekly submission of payrolls on all projects on which there are required to be paid wage rates determined in accordance with the Davis-Bacon Act. Section 3.2(d) of Part 3 of Title 29, CFR should therefore be amended.

As the amendment of § 3.2(d) is a revision of interpretative rules, general notice of proposed rulemaking is not required. Further, as this change in the regulation is for the purpose of clarification, stating more concisely that interpretation which in fact has been applied, delay in the effective date is unnecessary, and therefore, this revision shall be effective on November 27, 1973.

Accordingly, § 3.2(d) is revised to read as follows:

§ 3.2 Definitions.

As used in the regulations in this part:

* * * * *

(d) The term "building or work financed in whole or in part by loans or grants from the United States" includes building or work for whose construction, prosecution, completion, or repair, as defined above, payment or part payment is made directly or indirectly from funds provided by loans or grants by a Federal agency. The term includes building or work for which the Federal assistance granted is in the form of loan guarantees or insurance.

* * * * *

Signed at Washington, D.C., this 21st day of November, 1973.

BERNARD E. DELURY,
Assistant Secretary.

[FR Doc.73-25090 Filed 11-26-73;8:45 am]

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 697—INDUSTRIES IN AMERICAN SAMOA

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206, and 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 626 (38 FR 19455), the Secretary of Labor appointed and convened Special Industry Committee No. 10 for American Samoa, referred to the Committee the question of the minimum wage rate to be paid under section 6(a)(3) of the Fair Labor Standards Act of 1938 to employees in American Samoa subject thereto, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to matters referred to it.

Accordingly, pursuant to section 6(a)(3) and section 8(d) of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950 and §511.18 of Title 29, Code of Federal Regulations, the recommendations of Special Industry Committee No. 10 for American Samoa are hereby published as an amendment of § 697.1, effective as set forth in § 697.3. In addition the Industry Committee recommended that the Retail and Wholesaling and Warehousing Industries be combined; that the definition of the Hotel and Hospitals and Educational Institutions Industries be clarified; and that as no employees were covered in classification A (Seafaring) in the Shipping and Transportation Industry , this category should be excluded from this industry and that any seafaring activity which may subsequently come within the scope of FLSA coverage would be subject to coverage under the Miscellaneous Industry definition.

1. As amended, § 697.1 reads as follows:

§ 697.1 Wage rates.

* * * * *

(a) *Fish canning and processing and can manufacturing industry.* (1) The minimum wage for this industry is $1.35 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.42 an hour thereafter.

* * * * *

(b) *Shipping and transportation industry.* (1) The minimum wage for this industry is $1.37 an hour for a period of 1 year following the effective date specified in §697.3 and $1.44 an hour thereafter.

(2) This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including storage, and lighterage operations, and the operation of tourist bureaus and of travel and ticket agencies: *Provided, however,* That this industry shall not include bunkering of petroleum products or activities engaged in by seamen on American vessels which are documented or numbered under the laws of the United States, which operate exclusively between points in the Samoan Islands, and which are not in excess of 350 tons net capacity: *Provided, further,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(c) *Petroleum marketing industry.* (1) The minimum wage for this industry is $1.37 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.44 an hour thereafter.

* * * * *

(d) *Construction industry.* (1) The minimum wage for this industry is $1.15 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.20 an hour thereafter.

* * * * *

(e) *Hospital and educational institutions industry.* (1) The minimum wage for this industry is $1.00 an hour for the period ending December 31, 1973, $1.05 an hour for the period beginning January 1, 1974, and ending December 31, 1974, and $1.10 an hour thereafter.

(2) This industry shall include all activities performed in connection with the operation of hospitals, nursing homes and related institutions primarily engaged in the care of the sick, the aged or the mentally ill or defective who reside on the premises of such institutions, schools for the mentally or physically handicapped or for gifted children, preschools, elementary, or secondary schools, or institutions of higher education (regardless of whether or not such hospitals, institutions or schools are public or private, or operated for profit or not for profit): *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(f) *Hotel industry.* (1) The minimum wage for this industry is $1.00 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.05 an hour thereafter.

(2) This industry shall include all activities in connection with the operation of hotels, motels, apartment hotels, and tourist courts engaged in providing lodging, with or without meals, for the general public, including such activities as are engaged in by a hotel or motel or other lodging facility on its own linens or on garments of its guests: *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(g) *Retailing, wholesaling and warehousing industry.* (1) The minimum wage for this industry is $1.20 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.25 an hour thereafter.

(2) This industry includes all activities in connection with the selling of goods or services at retail, including the operation of retail stores and other retail establishments, the wholesaling and warehousing and other distribution of commodities including but without limitation the wholesaling, warehousing and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and sales offices engaged in the distribution of products manufactured outside of American Samoa, industrial distributors, mail order establishments, brokers and agents, and public warehouses; *Provided, however,* That this industry shall not include retailing and wholesaling activities included within other industry wage orders which are applicable in American Samoa.

(h) *Laundry and dry cleaning industry.* (1) The minimum wage for this industry is .95 cents an hour for the period ending 1 year from the date specified in § 697.3 and $1.00 an hour thereafter.

* * * * *

(i) *Bottling and dairy products industry.* (1) The minimum wage for this industry is $1.10 an hour for the period ending 1 year from the date specified in § 697.3 and $1.15 an hour thereafter.

(2) The bottling and dairy products industry includes the bottling, sale and distribution of soft drinks in bottles and other containers and the processing or recombining of fluid milk and cream for wholesale and retail distribution and the manufacture of butter, natural and processed cheese, condensed and evaporated milk, malted milk, ice cream, and frozen deserts; including also any warehousing operations incidental to the above activities of firms engaged in these activities.

(j) *The printing and publishing industry.* (1) The minimum wage for this industry is $1.16 an hour for the period ending 1 year from the date specified in § 697.3 and $1.22 an hour thereafter.

(k) *The finance and insurance industry.* (1) The minimum rate for this industry is $1.27 an hour for the period ending 1 year from the date specified in § 697.3, and $1.34 an hour thereafter.

* * * * *

(l) *Miscellaneous industry.* (1) The minimum wage for this industry is $1.05 an hour.

* * * * *

2. As amended § 697.3 reads as follows:

§ 697.3 Effective date.

The wage rates specified in § 697.1 shall be effective December 13, 1973.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064 as amended; 29 U.S.C. 205, 206, 208.)

Signed at Washington, D.C., this 20th day of November 1973.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.73-25091 Filed 11-26-73;8:45 am]

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1602—RECORDS AND REPORTS

Extension of Deadline for Filing Elementary and Secondary Staff Information Report EEO-5

Notice is hereby given that the 1973 deadline for filing Elementary and Secondary Staff Information Report EEO-5 as required by CFR 1602.41 is extended from November 30, 1973, to January 15, 1974. The period during which statistics