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PART I

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

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

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

page no. and date

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1973 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1973. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1973):

Title	*Price*
1	$0.55
2 [Reserved]	
3	2.60
3A 1972 Compilation	2.50
4	1.75
5	3.75
6 (Rev. Feb. 1, 1973)	4.25
7 Parts:	
0–45	6.50
46–51	2.60
52	4.20
53–209	7.00
210–699	5.25
700–749	3.75
750–899	2.10
900–944	4.00
945–980	2.25
981–999	2.25
1000–1059	4.00
1060–1119	4.00
1120–1199	3.00
1200–1499	4.25
1500–end	6.50
8	1.85
9	5.00
10	4.00
11	.75
12 Parts:	
1–299	5.50
300–end	6.25
13	3.00
14 Parts:	
1–59	6.50
60–199	6.75
15	4.00
16 Parts:	
0–149	7.00
150–end	4.25
General Index	3.75

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—1973 Crop of Peanuts: Acreage Allotments and Marketing Quotas

VALENCIA SHORT SUPPLY DETERMINATION

Basis and purpose.—The provisions of § 729.106 are issued under section 358 (c)(2) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358 (c)(2)). The purpose of § 729.106 is to make a determination on the basis of the average yield per acre of Valencia-type peanuts during the 5-year period 1968–72, adjusted for trends in yields and abnormal conditions of production affecting yields, that the supply of Valencia-type peanuts for the 1973–74 marketing year will be insufficient to meet estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by CCC. The State allotments for States producing Valencia-type peanuts are increased in order to meet such demand. The latest available statistics of the Federal Government were used in making these determinations.

Notice of the proposed determination with respect to Valencia-type peanuts under section 358(c)(2) of the act was published in accordance with 5 U.S.C. 553 (80 Stat. 383) in the FEDERAL REGISTER of February 27, 1973 (38 FR 5258). The recommendations received in response to such notice were considered and adopted to the extent permitted by the act. In order that peanut farmers may be notified as soon as possible of any increases of farm allotment for the 1973 crop, it is essential that § 729.106 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 729.106 shall be effective on April 30, 1973.

§ 729.106 Additional allotment for Valencia-type peanuts of the 1973 crop.

(a) *Determination of short supply.*—The term "Valencia-type peanuts" means the type of peanuts as defined in § 729.7(c) of the "Allotment and Marketing Quota Regulations for Peanuts of the 1972 and Subsequent Crops" (37 FR 2645, 3629). It is hereby determined that the supply of Valencia-type peanuts for the 1973–74 marketing year (August 1, 1973, through July 31, 1974) determined in accordance with section 358 (c)(2) of the act will be insufficient to meet the estimated demand for Valencia-type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(b) *State allotment increases for 1973 crop.*—The State allotment for peanuts of the 1973 crop for States which produced Valencia-type peanuts during any one or more of the years 1970, 1971, and 1972 shall be increased in the aggregate by 2,463 acres which is determined to be the additional acreage required to meet the estimated demand for Valencia-type peanuts for cleaning and shelling purposes at the price at which CCC may sell for such purposes peanuts owned or controlled by it.

(c) *Apportionment of allotment increase to States for 1973 crop.*—The aggregate of State allotment increases in the amount of 2,463 acres established under paragraph (b) of this section, less a national reserve of one-fourth of 1 percent (6 acres), is hereby apportioned to States on the basis of the average acreage of Valencia-type peanuts in each State in 1970, 1971, and 1972. For this purpose, the term "farm allotment" means the allotment before any increase from released acreage or any additional allotment for the farm under section 358(c)(2) of the act in the 3 base years. The national reserve of 6 acres shall be used by the Deputy Administrator to adjust the State allotments of States receiving increases under this section where incomplete or inaccurate data was used in apportioning such increases. The apportionment of additional allotment under this paragraph does not increase the State allotment for any State above the 1947 harvested acreage of peanuts for such State. The following table sets forth the apportionment to States.

State	1947 Harvested acreage of peanuts	1970-72 Average harvested acreage of Valencia peanuts [1]	1973 Increase in basic State allotment for Valencia type peanuts	1973 Previous State allotment	1973 Revised State allotment
			Acres		
Alabama	463,000	57	22	216,713	216,735
Arizona				761	761
Arkansas	8,000			4,184	4,184
California				930	930
Florida	105,000	45	17	55,529	55,546
Georgia	1,124,000	2		529,855	529,855
Louisiana	4,000			1,945	1,945
Mississippi	13,000	61	24	7,492	7,516
Missouri				247	247
New Mexico	14,000	5,443	2,143	5,787	7,930
North Carolina	292,000	3	1	167,898	167,899
Oklahoma	325,000			138,348	138,348
South Carolina	26,000	21	8	13,891	13,899
Tennessee	5,000	6	3	3,606	3,609
Texas	836,000	619	239	358,005	358,244
Virginia	162,000			104,809	104,809
Reserve [2]			6	0	6
U.S. total	3,377,000	6,257	2,463	1,610,000	1,612,463

[1] Less increase in State allotment for Valencia short supply.
[2] Reserve for correcting or adjusting State allotments in error because of incomplete or inaccurate data.

(d) *No credit for future allotments.*—The additional allotment apportioned under this section is in addition to the national acreage allotment, the production from such acreage is in addition to the national marketing quota and such additional allotment shall not be considered in establishing future State, county, or farm acreage allotments.

(Secs. 358(c)(2), 375, 65 Stat. 29, 52 Stat. 66, as amended; 7 U.S.C. 1358(c)(2), 1375.)

Effective date April 30, 1973.

Signed at Washington, D.C., on April 25, 1973.

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

[FR Doc.73-8363 Filed 4-30-73;8:45 am]

[Amdts. 1a, 11]

PART 730—RICE

Increases in the 1973 National Acreage Allotment and Producer and Farm Acreage Allotments

Basis and purpose.—(a) The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and are issued for the purpose of amending §§ 730.1502, 730.68, 730.69, 730.72, 730.75, 730.76, 730.79, 730.80, and 730.84, with respect to the national, producer, and farm acreage allotments for 1973 crop rice.

Section 371(b) of the act provides that if the Secretary has reason to believe that because of a national emergency, or because of a material increase in export demand, any national marketing quota or acreage allotment for cotton, rice, peanuts, or tobacco, should be increased or terminated, he shall cause an immediate investigation to be made to determine whether the increase or termination is necessary to meet such emergency or increase in export demand. If, on the basis of such investigation, the Secretary finds that such increase or termination is necessary, he shall immediately proclaim such findings (and if he finds an increase is necessary, the amount of the increase found by him to be necessary), and thereupon such quota or allotment shall be increased, or shall terminate, as the case may be.

In accordance with the foregoing an investigation has been made and it was found that there is an increase in export demand since announcement in the FEDERAL REGISTER of January 5, 1973 (38 FR 844), of the national acreage allotment for the 1973 crop of rice. Food demand in rice-eating countries is rising and additional production of rice is needed for the 1973 crop-year to provide an adequate supply against all probable needs in 1973–74. World demand for rice is great because of an insufficient rice supply as a result of poor rice crop in Asia in 1972. This, coupled with increased import requirements of most importing countries in the world as stocks have been depleted, has resulted in a material increase in export demand above that originally anticipated at the time of announcement of the 1973 national rice acreage allotment.

U.S. production in 1973–74, with current acreage, is forecast at 95 Mcwt, rough, with an estimated 9.5 Mcwt, rough carryover. Export availability from this crop is estimated at 56 Mcwt, rough. Of this commercial exports are expected to utilize 24 Mcwt, rough, leaving a balance available for Government programs of about 32 Mcwt.

In view of anticipated increased export requirements from the 1973 crop of rice, it has been found that there is a need for increasing the national acreage allotment for the 1973 crop of rice.

An increase of 10 percent in the acreage allotment for the 1973 rice crop would be largely utilized and result in an increase in production of an estimated additional 7 Mcwt, rough rice, or 225,000 metric tons, milled, for export requirements.

(b) Section 371(c) of the act provides that in case any national acreage allotment for any commodity is increased under section 371(b), each farm acreage allotment for the commodity shall be increased in the same ratio.

In producer States the State rice acreage allotment is initially apportioned to producers who allocate their producer allotments to farms. In such States the most effective way to utilize the increased allotment is to increase each producer allotment by 10 percent, which increase will be reflected in increased farm allotments when subsequently allocated to farms by the producers. Moreover, farm acreage allotments in producer States are not finally determined until all producer allocations of allotments have been made to the farm. Producers in producer States currently have through May 1, 1973, to allocate their 1973 producer allotments to farms. This date is being changed to May 15. Accordingly, producer allotments in producer States and farm allotments in farm States will receive the 10-percent increases.

In addition to the amendments increasing national, farm, and producer rice allotments by 10 percent language has been included in the amendments to make it clear whether the increases in allotments shall go to the transferors or transferees in cases where rice producers have agreed upon the transfer of producer rice allotments to other producers as authorized by section 353(f) of the Agricultural Adjustment Act of 1938, as amended. It is considered that the signature date of the transferor as evidenced by the date of the transferor's signature on the transfer application should be considered as the effective date of the transfer for purposes of increasing the transferred rice allotments. The increase applicable to the transferred allotment will be credited to the transferee as a result of the transfer to the extent that he shares in the transferred allotment.

Section 353(f)(3) provides for permanent withdrawal from production of rice and the transfer of such allotment and related history to another experienced rice producer. Under this subparagraph of such section the transferee is required to plant at least 90 percent of his total producer rice acreage allotment in at least 3 out of the next 4 years following the transfer. Because of the lateness of the announcement of this 10-percent increase there may be a limited number of producers currently holding allotted acreage which includes allotment acquired under this provision who cannot meet this requirement in 1973. Accordingly, if a producer is unable to plant at least 90 percent of his increased allotment at this late date because of prior planting arrangements, provision is being made not to require the 90-percent planting provision with respect to 10 percent increase for 1973, provided the producer surrenders such increased acreage under section 353(e) of the Agricultural Adjustment Act of 1938, as amended, for reapportionment to other farms in the county.

(c) Since planting of the 1973 crop of rice has begun and planting plans will need to be adjusted in order to fully utilize the additional allotted acreages for production of needed supplies, it is of utmost importance that farmers be notified of their increased 1973 producer or farm rice acreage allotments as soon as possible. Therefore, it is determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, these amendments shall become effective upon filing with the Director, Office of the Federal Register.

[Amdt. 1a]

1. Section 730.1502 is amended by adding the following at the end thereof:

§ 730.1502 National acreage allotment of rice for 1972.

* * * Notwithstanding the foregoing, the national acreage allotment of rice for the calendar year 1973 is increased by 10 percent to 2,222,118 acres pursuant to section 371(b) of the act.

[Amdt. 1l]

2. Section 730.68 is amended by adding at the end thereof a new paragraph (d) to read:

§ 730.68 Determination of allotments for old producers.

* * * * *

(d) The 1973 old producer allotment determined for each producer under this section shall be increased by 10 percent.

3. Section 730.69 is amended by adding at the end thereof a new paragraph (g) to read:

§ 730.69 Determination of allotments for new producers.

* * * * *

(g) The 1973 new producer allotment determined for each producer under this section shall be increased by 10 percent.

4. Paragraph (b) of § 730.72 is amended by a new sentence at the end thereof to read as follows:

§ 730.72 Allocation of producer allotments to farms.

(b) * * * Notwithstanding any other provision of this section the "May 1" date appearing in this paragraph shall be changed to "May 15" for the 1973 crop-year.

* * * * *

§ 730.75 [Amended]

5. Paragraph (a) of § 730.75 is amended by changing the last sentence thereof to read as follows:

The closing date for releasing producer rice allotment shall be the dates set forth in part 731 of this subchapter (37 FR 28124), except that such closing date for the release of allotment as a result of the 1973 10-percent increase in the national allotment and the filing of an application for acreage released for reapportionment will be May 15, 1973, for each producer rice State or administrative area.

6. Paragraph (c) of § 730.75 is amended by changing the last sentence thereof to read as follows:

The closing date for reapportionment of allotment released in each producer rice State or administrative area shall be the date set forth in part 731 of this subchapter (37 FR 28124), except that such closing date for reapportionment of released allotment as the result of the 10-percent increase in the 1973 national allotment will be May 18, 1973.

7. Paragraph (a)(2) of § 730.76 is amended by adding the following at the end thereof:

§ 730.76 Succession of interest in producer allotments.

(a) * * *

(2) * * * The transferee shall be credited with the 10-percent increase for 1973 to the extent that he shares in the transferred allotment.

* * * * *

8. Section 730.79 is amended by adding at the end thereof a new paragraph (d) to read:

§ 730.79 Determination of allotments for old farms.

* * * * *

(d) The 1973 old farm allotment determined for each farm under this section shall be increased by 10 percent.

9. Section 730.80 is amended by adding at the end thereof a new paragraph (i) to read:

§ 730.80 Determination of allotments for new farms.

* * * * *

(i) The 1973 allotment determined for each new farm under this section shall be increased by 10 percent.

§ 730.84 [Amended]

10. Paragraph (a) of § 730.84 is amended by changing the last sentence thereof to read as follows:

The closing date in each farm State or administrative area for releasing farm rice allotment shall be the date set forth in part 731 of this subchapter (37 FR 28125), except that such closing date for the release of allotment as a result of the 10-percent increase in the 1973 national allotment and the filing date of an application for acreage released for reapportionment, will be May 15, 1973, for each farm rice State or administrative area.

11. Paragraph (c) of § 730.84 is amended by changing the last sentence thereof to read as follows:

The closing date for reapportionment to farms of allotment released in each farm rice State or administrative area shall be the dates set forth in part 731 of this subchapter (37 FR 28124), except that such closing date for reapportionment of released allotment as a result of the 10-percent increase in the 1973 national allotment will be May 18, 1973.

(Sec. 301, 353, 353, 354, 371, 375, 52 Stat. 38, 60, 61, 66, as amended; 7 U.S.C. 1301, 1352, 1353, 1354, 1375.)

Effective date.—April 26, 1973.

Signed at Washington, D.C. on April 26, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-8415 Filed 4-26-73;1:33 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72-NE-22]

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

Alteration of Transition Area

Correction

In FR Doc. 73-1767 appearing on page 2963 in the issue for Wednesday, January 31, 1973, in the description of the Danbury, Conn., control zone, in the third line the figure "088°" should read "038°".

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2362]

PART 13—PROHIBITED TRADE PRACTICES

American States Development Corp. et al.

Correction

In FR Doc. 73-7024, appearing at page 9223 in the issue of Thursday, April 12, 1973, in the 9th and 10th lines of the first paragraph, "§ 13135" and "§ 13155", should read "§ 13.135" and "§ 13.155" respectively.

[Docket No. C-2370]

PART 13—PROHIBITED TRADE PRACTICES

Illinois Central Industries, Inc., and Midas-International Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets; § 13.5-20, Federal Trade Commission Act; § 13.6, Arrangements, connections, dealings, etc.[1] Subpart—Reciprocity:[1] § 13.2110 Reciprocal arrangements, agreements, understandings, etc.[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18.) [Cease and desist order, Illinois Central Industries, Inc., et al., Chicago, Ill., docket No. C-2370, Mar. 26, 1973.]

[1] New.

In the Matter of Illinois Central Industries, Inc., a Corporation; and Midas-International Corp., a Corporation

Consent order requiring one of the Nation's largest publicly held industrial corporations, headquartered in Chicago, Ill., among other things, to take immediate steps to create a viable new entrant into the business of manufacturing automobile brake friction materials for passenger automobile disk brakes by either divesting necessary equipment or providing the new entrant with sufficient financial aid and technical assistance to buy equipment elsewhere; to grant to the new firm a nonexclusive, royalty-free right to use all U.S. patents held by ICI relating to the manufacture of passenger automotive brake friction materials; the acquired company to contract, at the option of the new company, to purchase for 5 years up to 75 percent of its requirements of passenger automobile disk brake pads for resale, and in addition, 75 percent of its requirements of its automobile brake friction materials in the event the new firm undertakes to expand into the manufacture of these products.

Further, order prohibits the acquired company from selling or purchasing, except in emergency situations, either flashers manufactured or distributed by ICI or certain items which contain automotive brake friction materials manufactured or distributed by ICI; the acquisition by the respondent and the acquired company for a 5-year period of any domestic franchised Midas Muffler Shop, except in distress situations; reciprocal purchase or sale arrangements; exchange of statistical data to ascertain or further any reciprocal relationship; and requires the destruction of certain statistical data and the divestiture of the Signal Stat flasher facilities within a maximum of 2 years.

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

For the purposes of this order, the following definitions shall apply:

"Automotive brake friction materials" are blocks, strips, rolled, and disk brake materials and pads composed of nonsintered materials and used to retard or stop motion of passenger cars, trucks, trailers and any self-propelled land vehicle, excluding railway equipment.

"Flashers" are switches used in automobiles, trucks, and buses to actuate turn signal or hazard warning indicators.

"Automotive brake parts" are components of brakes, and entire brake units, used to retard or stop motion of passenger cars, trucks, trailers and any self-propelled land vehicle, excluding railway equipment.

The term "domestic" shall refer to operations or sales made within the United States.

"Company" refers to any business entity.

"Eligible firm" is any company other than a company engaged in the manufacture of passenger automobiles or the manufacture or distribution of automotive brake friction materials for passenger automobiles or automotive brake parts for passenger automobiles, or any subsidiary or affiliate of any such company, and which agrees not to transfer by sale, merger or other means the assets acquired pursuant to paragraphs I and II of this order to other than an eligible firm without the consent of the Commission.

"Purchase" and "purchases" refer to any receipt of products, services, or raw materials from another company in exchange for money, products, services, or raw materials.

"Sell" and "sales" refer to any conveyance of products or raw materials to, or any performance of services for another company in exchange for money, products, services, or raw materials.

"Commission" means the Federal Trade Commission.

"Illinois Central Industries" includes Illinois Central Industries, Inc., and any domestic subsidiary or domestic affiliate thereof including Midas-International, and any of their successors and assigns.

"Midas" includes Midas-International Corp., and any domestic subsidiary or domestic affiliate thereof, and any of their successors and assigns.

"Midas Muffler Shops" include all automotive service shops authorized by Midas to utilize the "Midas" trademark, whether franchised or owned by Midas.

I

It is ordered, That respondent Illinois Central Industries shall, immediately after service upon it of this order, take steps as are provided in this order to enable an eligible firm approved by the Commission (hereinafter referred to as the Firm), to enter into business capable of producing annually approximately $1,500,000 (as referenced to manufacturer's sale prices current at the date of service upon Illinois Central Industries of this order) of automotive brake friction materials, and bonding thereof (to the extent performed by Illinois Central Industries at any time during the year preceding the date of service upon it of this order), for passenger automobile disk brakes. The creation of a viable new entrant into the business of manufacturing of automotive brake friction materials for passenger automobile disk brakes, as required by this order, shall be accomplished as soon as possible and in any event no later than 2 years after service upon Illinois Central Industries of this order.

II

It is further ordered, That the requirements of paragraph I shall be accomplished in the following manner:

A. Respondent Illinois Central Industries shall, at its option, either: (1) Divest to the Firm, or (2) provide financial and technical assistance to enable the Firm to purchase, lease or otherwise obtain such machinery, equipment and other property (other than real property) as may be necessary to initiate a viable business engaged in manufacturing automotive brake friction materials for passenger automobile disk brakes, and bonding thereof (to the extent performed by Illinois Central Industries at any time during the year preceding the date of service upon it of this order). In the event respondent Illinois Central Industries provides financial and technical assistance to the Firm to obtain some or all of such machinery, equipment and other property, referred to in the preceding sentence, respondent Illinois Central Industries shall assist the Firm to identify and obtain such machinery, equipment, and other property. *Provided, however*, That in no event shall the Firm be required to accept machinery, equipment or other property which it deems unsuitable.

B. For a period of 18 months after the date of the closing of the divestiture required by subparagraph II.A. respondent Illinois Central Industries shall make available to the Firm, on terms and conditions approved by the Commission, including a final maturity on repayment not exceeding 10 years, financial assistance as necessary, but not to exceed in the aggregate the sum of $2 million, for the purpose of enabling the Firm to obtain such machinery, equipment and other property referred to in subparagraph II.A. and to provide working capital for the Firm's passenger automobile disk brake manufacturing business. Such financial assistance shall be provided to the Firm on terms and conditions approved by the Commission, at an interest rate not to exceed 8½ percent per annum, simple interest, and shall be secured by first liens on the assets of the Firm.

C. In the event that respondent Illinois Central Industries divests the machinery, equipment or other property to the Firm as required by this paragraph, such machinery, equipment, and other property shall be appraised by an independent appraiser, acceptable to the Commission, at its then-current fair market value, which appraised value shall be considered part of the financial assistance rendered to the Firm.

D. Respondent Illinois Central Industries shall:

1. Make available to the Firm, for the nontransferable use of the Firm alone, such technical information, formulas, trade secrets and know-how necessary to establish the Firm as a viable entity in the business of manufacturing and selling automotive brake friction materials for passenger automobile disk brakes, and bonding thereof (to the extent performed by Illinois Central Industries at any time during the year preceding the date of service upon it of this order), which meet nondiscriminatory, minimum quality standards for such products promulgated by Midas and which meet any Federal regulations in effect at the time of divestiture as required by this paragraph. Nothing in this order, however, shall require Illinois Central Industries to perform research or development for the Firm in addition to that which Illinois

Central Industries is performing for itself. Such technical information, formulas, trade secrets, and know-how shall be made available at no cost to the Firm (except as provided herein) for a period of 24 months after the date of the closing of the divestiture required by subparagraph II.A. *Provided, however,* That such period may be extended for an additional 12 months in the event that the Firm can demonstrate to the Commission the necessity for such an extension. The Firm shall compensate Illinois Central Industries for the pro rata salary and reasonable expenses of its employees engaged in assisting the Firm pursuant to this subparagraph at any time subsequent to a 6-month period after the Firm begins actual production of passenger automobile disk brake pads.

2. Grant to the Firm a nonexclusive, royalty-free right to use, without right to sublicense, all U.S. patents relating to the manufacture of automotive brake friction materials for passenger automobile disc brakes, and bonding thereof, vested in Illinois Central Industries, or to which Illinois Central Industries has a right to sublicense, as of the date of service upon it of this order or within 2 years thereof. Said royalty-free licenses shall be for the life of each respective patent.

3. Assist the Firm to identify and obtain facilities, including realty, in which the Firm can conduct the business of manufacturing automotive brake friction materials.

4. Assist the Firm to identify and obtain well-qualified management personnel and other employees to staff adequately the Firm. *Provided, however,* That (a) Illinois Central Industries shall not hinder or obstruct the Firm's efforts to employ employees of Illinois Central Industries; but (b) nothing herein contained shall prevent Illinois Central Industries from enforcing all lawful employment agreements, including all provisions concerning confidentiality and employer's shop rights.

E. Respondent Midas shall, at the option of the Firm, enter into a requirements contract with the Firm under which the Firm shall, to the extent it is able, supply Midas with up to 75 percent of Midas' requirements of passenger automobile disc brake pads for resale. Said requirements contract shall be in effect for a period of 5 years, commencing at the time the Firm begins actual production of passenger automobile disc brake pads which meet nondiscriminatory, minimum quality standards for such products promulgated by Midas and which meet any Federal regulations in effect at the time of divestiture as required by this paragraph and shall be at prevailing market prices for the products involved at the time in question.

F. In the event that the Firm commences the manufacture, rebonding or sale of automotive brake friction materials including brake shoes for passenger automobile drum brakes prior to or during the effective period of the requirements contract provided for in subparagraph II.E., respondent Midas shall, at the option of the Firm, enter into a requirements contract with the Firm under which the Firm shall supply Midas with up to 75 percent of Midas' requirements of automotive brake friction materials including brake shoes for passenger automobile drum brakes for resale. Said contract shall be in effect during the effective period of the requirements contract provided for in subparagraph II.E., or remaining portion thereof. The obligation of Midas under the contract provided for in this subparagraph shall be conditioned upon the ability of the Firm to manufacture a product which meets nondiscriminatory, minimum quality standards for such products promulgated by Midas and which meets any Federal regulations in effect at the time of divestiture as required by this paragraph, and shall be at prevailing market prices for the products involved at the time in question. *Provided, however,* That these subparagraphs II.E. and II.F. shall not affect purchases by Midas or a subsidiary or affiliate thereof, of brake and axle assemblies from another subsidiary or affiliate of Midas.

III

It is further ordered, That respondent Illinois Central Industries shall, as soon as possible and in any event no later than 2 years after service upon it of this order, divest itself absolutely and unconditionally, subject to the approval of the Commission, of all of the assets, properties, rights and privileges, tangible and intangible, owned by Illinois Central Industries as a result of its acquisition of the Signal-Stat Division of Lehigh Valley Industries, Inc., related to or involved in the production, distribution, or sale of flashers including the following: All machinery and equipment used for or related to the manufacture and sale of flashers; all inventory in stock of flashers and of parts therefor; names of suppliers of parts, materials and equipment used in the manufacture of flashers; a list of all customers to which flashers have been sold since January 1, 1969; all plans, drawings, blueprints, tooling, patents, both domestic and foreign, which relate to the production, distribution, and sale of flashers; and the exclusive, royalty-free right to use the trademark "Signal-Stat Brand" in connection with the manufacture and sale of flashers; but not to include real property, office equipment, or motor vehicles.

IV

It is further ordered, That, pending divestiture required by paragraph III, respondent Illinois Central Industries shall not take any action with respect to any of the assets, properties, rights, and privileges of Signal-Stat required to be divested by paragraph III which may impair their usefulness for the production, distribution or sale of flashers, or their market value.

V

It is further ordered, That the divestiture required by paragraphs I and III shall not be effected, directly or indirectly, to any person who is an officer, director, employee, or agent of, or otherwise under the control or influence of Illinois Central Industries, or who owns or controls, directly or indirectly, more than 1 percent of the outstanding shares of common stock of Illinois Central Industries.

VI

It is further ordered, That respondent Midas, directly or indirectly or through any corporate or other device, shall within 30 days after service upon it of this order, cease and desist from:

A. Selling or distributing, directly or indirectly, or attempting to sell or distribute, automotive brakeshoes and disk brake pads containing automotive brake friction materials manufactured or distributed by Illinois Central Industries, to any company, except in emergency and distress situations approved by the Commission.

B. Purchasing or obtaining from Illinois Central Industries any products containing automotive brake friction materials, except in emergency and distress situations approved by the Commission. *Provided, however,* That nothing in this order shall prevent Midas or a subsidiary or affiliate thereof from purchasing brake and axle assemblies from another subsidiary or affiliate of Midas.

C. Selling or distributing, directly or indirectly, or attempting to sell or distribute to any company, flashers manufactured or distributed by Illinois Central Industries, except in emergency and distress situations, as approved by the Commission.

D. Purchasing flashers from Illinois Central Industries except in emergency and distress situations, as approved by the Commission.

VII

It is further ordered, That respondent Illinois Central Industries shall forthwith cease and desist from:

A. Purchasing, or entering into or adhering to any agreement or understanding to purchase, from an actual or potential supplier on the understanding that any of such purchases are conditioned upon or related to any sales by any company other than such actual or potential supplier;

B. Selling, or entering into or adhering to any agreement or understanding to sell, to an actual or potential customer on the understanding that any of such sales are conditioned upon or related to any purchases by any company other than such actual or potential customer;

C. Purchasing in order to promote or induce sales to any company;

D. Selling in order to promote or induce sales by any company;

E. Communicating to any company that (1) purchases by Illinois Central Industries on its bidder lists will or may be conditioned upon or related to sales by any company; or that (2) sales by Illinois Central Industries on its bidder lists will or may be conditioned upon or related to purchases by any company;

F. Discussing, comparing, or exchanging statistical data or other information with another company in order to ascertain, develop, facilitate, or further any reciprocal relationship between purchases and sales by any such company;

G. Causing or permitting the personnel of Illinois Central Industries, who are directly engaged in obtaining sales, or who by virtue of their responsibilities are able to influence directly obtaining sales, to (1) engage in purchasing; (2) obtain statistical data or other information which shows actual or potential purchases from any company; (3) attend any meeting, a purpose of which is the discussion of Illinois Central Industries' purchases or its purchasing strategy; or (4) specify or recommend that purchases could or should be made from any company;

H. Causing or permitting the personnel of Illinois Central Industries who are directly engaged in purchasing, or who by virtue of their responsibilities are able to influence directly any determination to purchase from a particular company, to (1) engage in obtaining sales; (2) obtain statistical data or information which shows actual or potential sales to any company; (3) attend any meeting, a purpose of which is the discussion of Illinois Central Industries' sales or its strategy for obtaining sales; or (4) specify or recommend that sales could or should be made to any company.

Provided, however, That nothing in this paragraph shall prevent personnel of Illinois Central Industries from having such influence on purchasing or obtaining sales as is necessary to comply with the other provisions of this order or prevent principal executive officers from performing their regular management functions.

VIII

It is further ordered, That respondent Illinois Central Industries shall, within 30 days after service upon it of this order, destroy:

A. All statistical data in its possession, custody, or control which compares or otherwise relates purchases from any company to sales to such company;

B. All statistical data and other information which shows actual or potential purchases from any company and which is in the possession, custody or control of any personnel employed by Illinois Central Industries on the effective date of this order who, at any time within the 2 years preceding the effective date of this order, were directly engaged in obtaining sales, or by virtue of their responsibilities were able to influence directly obtaining sales;

C. All statistical data and other information which shows actual or potential sales to another company, and which is in the possession, custody, or control of any personnel employed by Illinois Central Industries on the effective date of this order who, at any time within 2 years before service upon Illinois Central Industries of this order, were directly engaged in purchasing, or by virtue of their responsibilities were able to influence directly any determination to purchase from a particular company.

Provided, however, That nothing in this subparagraph shall prevent personnel of Illinois Central Industries from compiling or maintaining such statistical data or other information as is necessary to comply with the other provisions of this order.

IX

It is further ordered, That respondent, Illinois Central Industries, shall, within 30 days after service upon it of this order:

A. Issue a copy of attachment A, hereof, to each of the personnel employed by Illinois Central Industries who, at any time within 2 years after service upon Illinois Central Industries of this order, has directly engaged in purchasing, in obtaining sales, or in compiling or distributing statistical purchase or sales data, or by virtue of his responsibilities has been able to influence directly any of such functions.

B. Insert and maintain within any manuals and other such documents which set out the policies or procedures of Illinois Central Industries for purchasing or for obtaining sales, or its policies relating to the compilation or distribution of statistical purchase or sales data (1) the language of attachment A, hereof; and (2) a current list of the personnel of Illinois Central Industries, so distinguished, who are directly engaged in purchasing or in obtaining sales, or who by virtue of their responsibilities are able to influence directly either of such functions.

C. Mail a copy of attachment B hereof, together with a copy of this order, to each company from which Illinois Central Industries has, in either of the 2 calendar years preceding the year of service upon Illinois Central Industries of this order, made purchases from or sales to in excess of $50,000.

X

It is further ordered that respondent Illinois Central Industries shall, within 30 days of the third anniversary after service upon it of this order:

A. Cause each of its then-current personnel who, at any time subequent to the date of service upon Illinois Central Industries of this order, has directly engaged in obtaining sales on behalf of Illinois Central Industries, or by virtue of his responsibilities has been able to influence directly the obtaining of such sales, to complete and furnish to the legal department of Illinois Central Industries a sworn statement in the form of attachment C, hereof;

B. Cause each of its then-current personnel who, at any time subsequent to the date of service upon Illinois Central Industries of this order, has directly engaged in purchasing on behalf of Illinois Central Industries, or by virtue of his responsibilities has been able to influence directly any determination to purchase from a particular company, to complete and furnish to the legal department of Illinois Central Industries a sworn statement in the form of attachment D, hereof;

C. Request each of its personnel who, at any time subsequent to the date of service upon Illinois Central Industries of this order, has directly engaged in obtaining sales on behalf of Illinois Central Industries, or by virtue of his responsibilities has been able to influence directly the obtaining of such sales, and who leaves the employ of Illinois Central Industries prior to the third aniversary of the date of service upon Illinois Central Industries of this order, to complete and furnish to Illinois Central Industries' legal department, within 10 days preceding such termination of employment, a sworn statement in the form of attachment C, hereof.

D. Request each of its personnel who, at any time subsequent to the date of service upon Illinois Central Industries of this order, has directly engaged in purchasing on behalf of Illinois Central Industries, or by virtue of his responsibilities has been able to influence directly any determination to purchase from a particular company, and who leaves the employ of Illinois Central Industries prior to the third anniversary of the date of service upon Illinois Central Industries of this order, to complete and furnish to the legal department of Illinois Central Industries, within 10 days preceding such termination of employment, a sworn statement in the form of attachment D, hereof.

XI

It is further ordered, That respondent, Illinois Central Industries shall, for a 60 days of the third anniversary of the date of service upon Illinois Central Industries of this order submit to the Commission copies of all sworn statements which it has received pursuant to paragraph X.

XII

It is further ordered, That respondent Illinois Central Industries shall, for a period of 10 years from the date of service upon it of this order, cease and desist from acquiring, directly or indirectly, without the prior approval of the Commission, all or any part of the stock, share capital, assets or any interest in any company engaged in the domestic manufacture or domestic wholesale distribution of automotive brakeshoes, automotive disc brakepads, automotive brake parts or flashers (other than products, machinery, and equipment sold in the normal course of business and nonexclusive patent and know-how licenses) or from entering into any arrangements with any such concern by which Illinois Central Industries obtains the market share, in whole or in part, of such concern in such product lines. As used in the preceding sentence, the phrase "assets or any interest" shall refer to assets or any interest relating to the product lines enumerated therein.

XIII

It is further ordered, That respondents Midas and Illinois Central Industries, shall, for a period of 5 years from the date of service upon it of this order, cease and desist from acquiring, directly or indirectly, without the prior approval of the Commission, all or any part of the stock, share capital, assets, or any interest in any domestic franchised Midas Muffler Shop, except for distress situations, in which event Midas shall not own or hold an interest in all or any part of the stock, share capital, assets, or any interest in any franchised Midas Muffler Shop, or its successors or assigns, acquired after the date of service upon Midas of this order, for more than 12 months. Nothing in this order shall prevent Midas from opening any new Midas Muffler Shops which are to be owned or operated by Midas. *Provided, however*, That these paragraphs XII and XIII shall not apply to an interest arising out of the conversion of a debt interest acquired incident to a sale or other transaction and disposed of within 12 months, or to any interests, rights or privileges arising out of a standard franchise agreement, or agreement to supply goods or services in the normal course of doing business, between Midas and actual or prospective Midas Muffler Shops.

XIV

It is further ordered, That for the purpose of determining or securing compliance with this order, respondent Illinois Central Industries shall, upon written request, on reasonable notice and subject to any legally recognized privilege, grant permission to interview any personnel of Illinois Central Industries at a reasonably convenient time regarding any matter prohibited or required by this order.

XV

It is further ordered, That respondent Illinois Central Industries shall:

A. Within 30 days from the date of service upon it of this order and every 30 days thereafter until it has fully complied with paragraphs I through V of this order, submit a report in writing to the Commission setting forth in detail the manner and form in which it intends to comply, is complying or has complied therewith. All such reports shall include, in addition to such other information and documentation as may hereafter be requested by the Commission, without limitation, (1) a specification of the steps taken by Illinois Central Industries to make public its desire to make the divestitures required by paragraphs I and III of this order; (2) a list of all persons or organizations to whom notices of divestiture have been given; (3) a summary of all discussions and negotiations, together with the identity and addresses of all interested persons or organizations; and (4) copies of all reports, internal memorandums, offers, counteroffers, communications, and correspondence concerning said divestiture.

B. Within 60 days from the date of service upon it of this order, file with the Commission a report setting forth in detail the manner and form in which it has complied with paragraphs VI through IX of the order, including, but not limited to the name and title of each individual to whom a copy of attachment A, hereof, was issued pursuant to paragraph IX.A. of this order, and the name of each company to which a copy of this order was mailed pursuant to paragraph IX.C. of this order.

C. On the first anniversary of the date of service upon it of this order and on each anniversary date thereafter for a total of 10 years, submit a report in writing to the Commission listing all acquisitions, mergers, and agreements to acquire or merge made by Illinois Central Industries; the date of each such acquisition, merger, or agreement; the products involved; and such additional information as may from time to time be required by the Commission.

D. Notify the Commission at least 30 days prior to any proposed changes which may affect compliance obligations arising out of this order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, and that this order shall be binding on any such successor.

Issued March 26, 1973.

By the Commission.

CHARLES A. TOBIN,
Secretary.

ATTACHMENT A

Re: Federal Trade Commission order concerning the selling and purchasing activities of Illinois Central Industries and its subsidiaries.

Pursuant to an order of the Federal Trade Commission, we issue the following policies and guidelines:

GENERAL

No employee shall:

1. Discuss, compare, or exchange statistical data or other information with another company in order to ascertain, develop, facilitate, or further any relationship between our purchases and our sales.

2. Prepare, maintain or in any manner obtain statistical data which compares or otherwise relates our purchases from a company to our sales to such company.

PURCHASING

It is our policy to purchase solely on the basis of price, quality, and service. Purchasing personnel shall be prepared to justify all purchases in light of these criteria. No purchase may be conditioned upon or related to our sales or sales by any other company, nor shall any employee suggest or imply to any actual or potential supplier that any purchase is so conditioned or related.

No purchasing personnel shall:

1. Engage in sales or marketing on our behalf;

2. In any manner obtain statistical data or other information which shows actual or potential sales to any company, or which specifies that purchases be made from a company because of the status of such company as an actual or potential customer;

3. Attend any meeting, a purpose of which is the discussion of our sales or our strategy for obtaining sales;

4. Specify or recommend to our sales or marketing personnel that sales could or should be made to any company.

SELLING

No employee promoting sales to any actual or potential customer shall suggest or imply that such sales are conditioned upon or related to our purchases or purchases by any other company.

No sales or marketing personnel shall:

1. Engage in purchasing on our behalf;

2. In any manner obtain statistical data or other information which shows actual or potential purchases from any company, or which specifies or recommends that sales be made to a company because of the status of such company as an actual or potential supplier;

3. Attend any meeting, a purpose of which is the discussion of our purchases or our purchasing strategy;

4. Specify or recommend to our purchasing personnel that purchases could or should be made from any company.

VIOLATION OF POLICIES OR GUIDELINES

Violation of the above policies or guidelines shall subject any offending employee to dismissal from his employment.

ATTACHMENT B

To Our Customers and Suppliers.

Pursuant to the attached order of the Federal Trade Commission, we herewith advise you that it is the policy of Illinois Central Industries to purchase solely on the basis of price, quality, and service. We wish to assure you that our purchases will in no way be conditioned upon or related to our sales to you or any other company.

Chief Executive Officer.

ATTACHMENT C

Name:

Dates of employment and positions held with Illinois Central Industries or its subsidiaries:

I have initialed all statements below which have been true at any time since ----------:
(the date of this order)

------1. I have not discussed, compared, or exchanged statistical data or other information with another company in order to ascertain, develop, facilitate, or further any relationship between purchases and sales by Illinois Central Industries or its subsidiaries.

------2. I have not prepared, maintained, or in some manner obtained statistical data which compared or otherwise related purchases and sales by Illinois Central Industries or its subsidiaries.

------3. I have not prepared, maintained, or in some manner obtained statistical data or other information which specified or recommended that sales could or shoud be made to a company because of its status as an actual or potential supplier of Illinois Central Industries or its subsidiaries.

------4. I have not suggested or implied to another company that purchases by Illinois Central Industries or its subsidiaries might be conditioned upon or related to sales to such company.

ATTACHMENT C—Continued

_____5. I have not engaged in purchasing on behalf of Illinois Central Industries or its subsidiaries.

_____6. I have not in some manner obtained statistical data or other information which showed actual or potential purchases from a company by Illinois Central Industries or its subsidiaries.

_____7. I have not attended a meeting, a purpose of which was the discussion of the purchasing strategy of Illinois Central Industries or its subsidiaries.

_____
(Signature)

City of _____
State of _____

Sworn to and subscribed before me this ____ day of _____, 1972.

_____
(Notary Public)

ATTACHMENT D

Name:

Dates of employment and positions held with Illinois Central Industries or its subsidiaries:

I have initialed all statements below which have been true at any time since _____:
(the date of this order)

_____1. I have not discussed, compared, or exchange statistical data or other information with another company in order to ascertain, develop, facilitate, or further any relationship between purchases and sales by Illinois Central Industries or its subsidiaries.

_____2. I have not prepared, maintained, or in some manner obtained statistical data which compared or otherwise related purchases and sales by Illinois Central Industries or its subsidiaries.

_____3. I have not prepared, maintained, or in some manner obtained statistical data or other information which specified or recommended that purchases could or should be made from a company because of its status as an actual or potential customer of Illinois Cental Industries or its subsidiaries.

_____4. I have not suggested or implied to another company that purchases by Illinois Central Industries or its subsidiaries might be conditioned upon or related to sales to such company.

_____5. I have not engaged in sales or marketing on behalf of Illinois Central Industries or its subsidiaries.

_____6. I have not in some manner obtained statistical data or other information which showed actual or potential sales to a company by Illinois Central Industries or its subsidiaries.

_____7. I have not attended a meeting, a purpose of which was the discussion of the sales strategy of Illinois Central Industries or its subsidiaries.

_____
(Signature)

City of _____
State of _____

Sworn to and subscribed before me this ____ day of _____, 1972.

_____
(Notary Public)

[FR Doc.73-8446 Filed 4-30-73;8:45 am]

[Docket No. C-2369]

PART 13—PROHIBITED TRADE PRACTICES

Paul Bruseloff and Martin Bruseloff

Subpart—Advertising falsely or misleadingly: § 13.70 Fictitious or misleading guarantees: § 13.155 Prices: § 13.155-40 Exaggerated as regular and customary; § 13.155-50 Forced or sacrificed sales; § 13.155-85 Sales below cost; § 13.155-100 Usual as reduced, special, etc.; § 13.175 Quality of product or service. Subpart—Failing to maintain records:[1] § 13.1051 Failing to maintain records:[1] § 13.1051-20 Adequate.[1] Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1440 Identity; § 13.1475 Location;—Goods: § 13.1647 Guarantees; § 13.1710 Qualities or properties;—Prices: § 13.1805 Exaggerated as regular or customary; § 13.1813 Forced or sacrificed sales; § 13.1822 Sales below cost; § 13.1825 Usual as reduced or to be incrased. Subpart—Neglecting, unfairly or deceptively to make material disclosure; § 13.1855 Identity.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, Paul Bruseloff et al., Southfield, Mich., docket No. C-2369, Mar. 26, 1973.]

In the Matter of Paul Bruseloff, Martin Bruseloff, Individually and as Copartners, Doing Business Under Various Trade Names

Consent order requiring two Southfield, Mich., individuals, doing business under various trade names, engaged in selling ovenware, among other things to cease misrepresenting that their products are being sold at a loss, that their prices are usual and customary, special or reduced; misrepresenting the quality or properties of their products; failing to disclose their names and address; and misrepresenting guarantees.

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

It is ordered, That respondents Paul Bruseloff and Martin Bruseloff, individually or trading and doing business as copartners under any name or names, their successors and assigns, and respondents' agents, representatives and employees, through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale and distribution of ovenware, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, orally, in writing or visually, that ovenware or any other product is being sold at a "distress" price or at a loss for any reason.

2. Representing, directly or by implication, orally, in writing or visually, that any amount is the usual and customary retail price for ovenware or any other product, unless such amount is the price at which such ovenware or other product has been usually and customarily sold at retail in the recent regular course of business.

3. Representing, directly or by implication, orally, in writing or visually, that any price for respondents' ovenware or any other product is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which said ovenware or other product has been sold in substantial quantities at retail in the regular course of business; or misrepresenting, in any manner, the savings available to purchasers.

4. Representing, directly or by implication, orally, in writing or visually, the quality, color, physical properties and/or characteristics of ovenware or any other product, in a manner which is inconsistent with, negates or contradicts any statements set forth in any instructions accompanying the ovenware or other product or which limits, qualifies or detracts from any statement set forth in any such instructions; or misrepresenting the quality, color, physical properties and/or characteristics of ovenware or any other product in any manner.

5. Failing to accurately disclose respondents' name and business address clearly, conspicuously, and accurately on all advertising, sales, packaging and promotional materials for ovenware or any other product sold by respondents.

6. Failing to include inside any packaging materials containing ovenware or any other product, a statement setting forth respondents' business name and correct mailing address.

7. Failing to include inside any packaging materials containing ovenware or any other product, a self-addressed post card with adequate space for identification of the customer and his address, and bearing a statement which instructs the customer to mail the card to respondents' principal place of business.

8. Failing to maintain adequate records which disclose the name, home address and telephone number, or business address and telephone number, of each customer to whom respondents sell ovenware or any other product.

9. Representing, directly or by implication, orally, in writing or visually, that respondents' ovenware or any other product is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and unless respondents promptly and fully perform all of their obligations and requirements, directly or impliedly represented, under the terms of each such guarantee.

It is further ordered, That respondents maintain a complete file at their principal place of business of all customer correspondence, inquiries, complaints, post cards, customer lists, etc., relating to respondents' ovenware or any other product, for a period of 3 years from the date of receipt.

[1] New.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all of their distributors, agents, representatives, employees and suppliers, or others, engaged in the offering for sale or sale of ovenware or any other product, and that respondents secure a signed statement acknowledging the receipt of said order from each such person.

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

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

Issued March 26, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-8444 Filed 4-30-73;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 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

2-(p-TERT-BUTYLPHENOXY) CYCLOHEXYL 2-PROPYNYL SULFITE

A petition (FAP OH2554) was filed by Uniroyal Chemical, division of Uniroyal, Inc., Bethany, Conn. 06525, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of food additive tolerances (21 CFR pt. 121) for residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in dried grape pomace at 40 p/m and raisins and dried citrus pulp at 25 p/m resulting from application of the insecticide to growing grapes, lemons, and oranges.

Subsequently, the petitioner amended the petition by increasing the proposed tolerance for residues of the insecticide in dried citrus pulp from 25 to 40 p/m. (For a related document, see this issue of the FEDERAL REGISTER, p. 10720.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective Dec. 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerances should be established.

Therefore, pursuant to provisions of the act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), part 121 is amended by adding a new section to subpart C and by revising § 121.1236 in subpart D, as follows:

§ 121.345 2-(*p-tert*-Butylphenoxy)cyclohexyl 2-propynyl sulfite.

Tolerances of 40 p/m are established for residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in dried citrus pulp and dried grape pomace resulting from application of the insecticide to the growing raw agricultural commodities citrus fruit and grapes.

§ 121.1236 2-(*p-tert*-Butylphenoxy)cyclohexyl 2-propynyl sulfite.

Tolerances are established for residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in or on the following processed foods when present therein as a result of the application of the insecticide to the growing crops:

30 p/m in or on dried hops.
25 p/m in or on raisins.

Any person who will be adversely affected by the foregoing order may at any time on or before May 31, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective May 1, 1973.

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4).)

Dated April 26, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-8481 Filed 4-30-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

Components of Paper and Paperboard in Contact With Aqueous and Fatty Foods

In the FEDERAL REGISTER of November 2, 1971 (36 FR 20998), notice was given that a petition (FAP 2B2727) had been filed by Air Products and Chemicals, Inc., P.O. Box 427, Marcus Hook, Pa. 19061, proposing that § 121.2526, Components of paper and paperboard in contact with aqueous and fatty foods (21 CFR 121.2526) be amended to provide for the safe use of diethanolammonium salts of undecafluorocyclohexylmethylphosphoric acid, bis-(undecafluorocyclohexylmethyl)-phosphate and bis-(undecafluorocyclohexylmethyl)-pyrophosphate for use as oil repellents in paper and paperboard in contact with aqueous and fatty foods.

The Commissioner of Food and Drugs, having evaluated data in the petition, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of the petitioned additive under the preferred chemical nomenclature set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), part 121 (21 CFR 121) is amended in § 121.2526(a)(5) (21 CFR 121.2526(a)(5)) by alphabetically inserting in the list of substances the following new item:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * * * *	* * * * *
Undecafluorocyclohexanemethanol ester mixture of dihydrogen phosphate, compound with 2,2'-iminodiethanol (1:1); hydrogen phosphate, compound with 2,2'-iminodiethanol (1:1); and P,P'-dihydrogen pyrophosphate, compound with 2,2'-iminodiethanol (1:2); where the ester mixture has a fluorine content of 48.3 percent to 53.1 percent as determined on a solids basis.	For use only as an oil repellent at a level not to exceed 0.087 lb (0.046 lb of fluorine) per 1,000 ft^2 of treated paper or paperboard, as determined by analysis for total fluorine in the treated paper or paperboard without correction for any fluorine which might be present in the untreated paper or paperboard, when such paper or paperboard is used in contact with food only of the types identified in paragraph (c) of this section, table 1, under types IVA, V, VIIA, VIII, and IX, and under the conditions of use B through G described in table 2 of paragraph (c) of this section.
* * * * *	* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before May 31, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective May 1, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1).)

Dated April 24, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-8410 Filed 4-30-73;8:45 am]

SUBCHAPTER C—DRUGS

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

Chlorhexidine Diacetate Ointment, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (9-782V) filed by Fort Dodge Laboratories, Fort Dodge, Iowa 50501, proposing the safe and effective use of chlorhexidine diacetate ointment, veterinary, for topical use on dogs, cats, and horses. The supplemental application is approved.

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

§ 135a.35 Chlorhexidine diacetate ointment, veterinary.

(a) *Specifications.*—The product contains 1 percent of chlorhexidine diacetate in an ointment base.

(b) *Sponsor.*—See code No. 017 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug is used as a topical antiseptic ointment for surface wounds on dogs, cats, and horses.

(2) The wound area is carefully cleansed and the drug is applied daily.

(3) The drug is not to be used in horses intended for use as food.

Effective date.—This order shall be effective May 1, 1973.

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

Dated April 25, 1973.

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

[FR Doc.73-8408 Filed 4-30-73;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Oleandomycin

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (35-287V, 11-545V) filed by Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017, proposing an amendment to the present regulations providing for use of oleandomycin in feed by deleting the provision for use of a premix level containing 4 g of oleandomycin activity per pound and by adding a restriction against use of oleandomycin in feeds containing bentonite. The supplemental applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.45 is amended by revising paragraph (b), by redesignating the present paragraph (e) as paragraph (f), and by adding a new paragraph (e) as follows:

§ 135e.45 Oleandomycin.

* * * * *

(b) *Approvals.*—Premix level of 5 g of oleandomycin activity per pound granted; for sponsor see code No. 030 in § 135.501(c) of this chapter.

* * * * *

(e) *Special considerations.*—Bentonite should not be used in feeds containing oleandomycin.

(f) *Conditions of use.*—(1) * * *

* * * * *

Effective date.—This order shall be effective May 1, 1973.

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

Dated April 25, 1973.

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

[FR Doc.73-8409 Filed 4-30-73;8:45 am]

Title 29—Labor

Subtitle A—Office of the Secretary of Labor

PART 70—EXAMINATION AND COPYING OF LABOR DEPARTMENT DOCUMENTS

Change of Address

The Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, has moved and its address and ZIP code are changed accordingly. Therefore, 29 CFR part 70 is amended to furnish the correct address for those persons wishing to obtain documents from the office.

Since this amendment relates to agency procedure, notice of proposed rulemaking and a delayed effective date are not required by 5 U.S.C. 553.

Accordingly, pursuant to 5 U.S.C. 301, 552, 559, Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 5 U.S.C. appendix), 29 U.S.C. 9b, and 31 U.S.C. 483a, 29 CFR part 70 is amended as follows:

The address of the Office of Labor-Management and Welfare-Pension Reports which follows subparagraph (3) of § 70.75(a) of 29 CFR part 70 is amended as follows:

ADDRESS

U.S. Department of Labor, Office of Labor-Management and Welfare-Pension Reports, Public Documents Room, 8757 Georgia Avenue, Silver Spring, Md. 20216.

This amendment shall take effect immediately.

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

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-8422 Filed 4-30-73;8:45 am]

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR LABOR MANAGEMENT RELATIONS, DEPARTMENT OF LABOR

PART 204—STANDARDS OF CONDUCT FOR LABOR ORGANIZATIONS

Zip Code Change

The Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor has changed its address. Therefore, in connection with the filing of various reports required by 29 CFR part 204 and pursuant to Executive Order 11491, it is necessary to change the address by amending the ZIP code. Inasmuch as this is a procedural change, comments by interested persons and a delayed effective date are unnecessary.

Accordingly, pursuant to section 6, Executive Order 11491 (34 FR 17605), as amended by Executive Order 11616 (36 FR 17319), 29 CFR part 204 is amended as follows:

The ZIP code for the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C., is changed from 20210 to 20216 wherever it appears.

This amendment shall take effect on May 1, 1972.

Signed at Washington, D.C., this 24th day of April 1973.

PAUL J. FASSER,
Assistant Secretary for Labor-Management Relations.

[FR Doc.73-8421 Filed 4-30-73;8:45 am]

CHAPTER IV—OFFICE OF LABOR-MANAGEMENT AND WELFARE-PENSION REPORTS, DEPARTMENT OF LABOR

Changes in Authority Citations

The citations to authorities recited in many of the parts of 29 CFR chapter IV contain references to Secretary's orders which have been superseded by Secretary's Order No. 11–72, dated May 12, 1972. It is therefore the purpose of this document to amend the citations of authority in this respect.

Inasmuch as these are procedural amendments it is found to be unnecessary to provide for public participation, and a delayed effective date otherwise required by 5 U.S.C. 553.

Accordingly, 29 CFR chapter IV is amended as follows:

1. The citation to authority in 29 CFR part 401 is amended to read as follows:

AUTHORITY.—Secs. 3, 208, 301, 401, 402, 73 Stat. 520, 529, 530, 532, 534; 29 U.S.C. 402, 438, 461, 481, 482; Secretary's Order No. 11–72.

2. The citation to authority in 29 CFR part 402 is amended to read as follows:

AUTHORITY.—Secs. 201, 208, 73 Stat. 524, 529; 29 U.S.C. 431, 438; Secretary's Order No. 11–72.

3. The citation to authority in 29 CFR part 403 is amended to read as follows:

AUTHORITY.—Secs. 201, 208, 301, 73 Stat. 524, 529, 530; 29 U.S.C. 431, 438, 461; Secretary's Order No. 11–72.

4. The citation to authority in 29 CFR part 404 is amended to read as follows:

AUTHORITY.—Secs. 202, 208, 73 Stat. 525, 529; 29 U.S.C. 432, 438; Secretary's Order No. 11–72.

5. The citation to authority in 29 CFR part 405 is amended to read as follows:

AUTHORITY.—Secs. 203, 208, 73 Stat. 526, 529; 29 U.S.C. 433, 438; Secretary's Order No. 11–72.

6. The citation to authority in 29 CFR part 406 is amended to read as follows:

AUTHORITY.—Secs. 203, 207, 208, 73 Stat. 526, 529; 29 U.S.C. 433, 437, 438; Secretary's Order No. 11–72.

7. The citation to authority in 29 CFR part 408 is amended to read as follows:

AUTHORITY.—Secs. 208, 301, 73 Stat. 529, 530; 29 U.S.C. 438, 461; Secretary's Order No. 11–72.

8. The citation to authority in 29 CFR part 417 is amended to read as follows:

AUTHORITY.—Secs. 401, 402, 73 Stat. 533, 534; 29 U.S.C. 481, 482; Secretary's Order No. 11–72.

9. The citation to authority in 29 CFR part 451 is amended to read as follows:

AUTHORITY.—Secs. 3, 208, 401, 73 Stat. 520, 529, 532; 29 U.S.C. 402, 438, 481; Secretary's Order No. 11–72.

10. The citation to authority in 29 CFR part 452 is amended to read as follows:

AUTHORITY.—Secs. 401, 402, 73 Stat. 532, 534; 29 U.S.C. 481, 482; Secretary's Order No. 11–72.

11. The citation to authority in 29 CFR part 453 is amended to read as follows:

AUTHORITY.—Sec. 502, 73 Stat. 536; 29 U.S.C. 502; Secretary's Order No. 11–72.

12. The citation to authority in 29 CFR part 461 is amended to read as follows:

AUTHORITY.—Secs. 5, 7, 72 Stat. 999, 1000, 76 Stat. 36, 37; 29 U.S.C. 304, 306; Secretary's Order No. 11–72.

13. The citation to authority in 29 CFR part 464 is amended to read as follows:

AUTHORITY.—Sec. 5, 72 Stat. 999, 76 Stat. 36; 29 U.S.C. 304; Secretary's Order No. 11–72.

14. The citation to authority in 29 CFR part 464 amended to read as follows:

AUTHORITY.—Sec. 13, 76 Stat. 39; 29 U.S.C. 308d; Secrtary's Order No. 11–72.

15. The citation to authority in 29 CFR part 465 is amended to read as follows:

AUTHORITY.—Sec. 13, 76 Stat. 39; 29 U.S.C. 308d; Secretary's Order No. 11–72.

16. The citation to authority in 29 CFR part 485 is amended to read as follows:

AUTHORITY.—Sec. 13, 76 Stat. 39; 29 U.S.C. 308d; Secretary's Order No. 11–72.

17. The citation to authority in 29 CFR part 486 is amended to read as follows:

AUTHORITY.—Sec. 5, 72 Stat. 999, 76 Stat. 36, sec. 11, 76 Stat. 38; 20 U.S.C. 304, 308b; Secretary's Order No. 11–72.

This amendment shall take effect May 1, 1973.

Signed at Washington, D.C., this 24th day of April 1973.

PAUL J. FASSER,
Assistant Secretary for Labor-Management Relations.

[FR Doc.73–8420 Filed 4–30–73;8:45 am]

OFFICE OF LABOR-MANAGEMENT AND WELFARE-PENSION REPORTS

Change of Address

The Office of Labor-Management and Welfare-Pension Reports which administers the Labor-Management Reporting and Disclosure Act, and the Welfare and Pension Plans Disclosure Act has changed its address. Accordingly, in order that reports required under these statutes may be properly filed, it is necessary to change the ZIP code of the office wherever recorded in 29 CFR chapter IV.

Inasmuch as this is a procedural change, the opportunity for public comment and a delayed effective date required by 5 U.S.C. 533 are unnecessary.

Accordingly, under the authority of section 208, 73 Stat. 520, 29 U.S.C. 438, sections 5 and 7, 72 Stat. 999 and 1000, 29 U.S.C. 304 and 306, and Secretary's Order 11–72, 29 CFR chapter IV is amended as follows:

Title 29 CFR chapter IV is amended by changing the ZIP code from 20210 to 20216 wherever it appears following the address of the Office of Labor-Management and Welfare-Pension Reports.

This amendment shall take effect May 1, 1973.

Signed at Washington, D.C. this 24th day of April 1973.

PAUL J. FASSER,
Assistant Secretary for Labor-Management Relations.

[FR Doc.73–8419 Filed 4–30–73;8:45 am]

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Emergency Temporary Standard for Exposure to Organophosphorous Pesticides

Pursuant to section 6(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655) and Secretary of Labor's order No. 12–71 (36 FR 8754), part 1910 of title 29, Code of Federal Regulations, is hereby amended in the manner set forth below, in order to provide an emergency temporary standard dealing with the exposure of employees to pesticides.

During the last several years, general awareness of, and concern with, the hazards presented by the use of pesticides have been increasingly felt and expressed. The legislative history of the Williams-Steiger Occupational Safety and Health Act of 1970 itself demonstrates this awareness. The pertinent Senate report states the following:

> Pesticides, herbicides and fungicides used in the agricultural industry have increasingly become recognized as a particular source of hazard to large numbers of farmers and farmworkers. One of the major classifications of agricultural chemicals—the organophosphates—has a chemical similarity to commonly used agents of chemical and biological warfare, and exposure, depending on degree, causes headache, fever, nausea, convulsions, long term psychological effects, or death. Another group—the chlorinated hydrocarbons—are stored in fatty tissues of the body, and have been identified as causing mutations, sterilization, and death.
>
> While the full extent of the effect that such chemicals have had upon those working in agriculture is totally unknown, an official of the Department of Health, Education, and Welfare stated, during hearings of the Migratory Labor Subcommittee, that an estimated 800 persons are killed each year as a result of improper use of such pesticides, and another 80,000 injured. Despite the unmistakable danger that these substances present, no effective controls presently exist over their safe use and no effective protections against toxic exposure of farmworkers or others in the rural populace. (S. Rep. No. 91–1282, 91st Cong., 2d Sess., 3–4 (1970).

For some of the background of this statement, see also hearings on S. 2193 and S. 2788 before the Subcommittee on Labor and Public Welfare, 1st and 2d Sess. pt. 1, at 736, 737 (1970). In the fall of 1971, the Council on Environmental Quality was asked to study the feasibility of regulating, under the Occupational Safety and Health Act of

1970, the exposure of agricultural employees to organophosphorous pesticides. In his environmental message of February 8, 1972, to the Congress, the President stated that measures to protect agricultural workers from adverse exposure to pesticides were essential to a sound national pesticide policy and that he was directing the Departments of Labor and of Health, Education, and Welfare to develop standards under the Occupational Safety and Health Act of 1970 to protect agricultural workers from pesticide poisoning. By letter dated February 1972, the President requested the Secretary of Labor to develop such standards in cooperation with the Department of Health, Education, and Welfare.

In response to the congressional purpose manifested in the legislative history of the act, and to the directive of the President, plans were immediately developed to investigate and evaluate the dangers connected with the use of pesticides. In June 1972, the Standards Advisory Committee on Agriculture was appointed for the purpose, among others, to submit recommendations regarding a standard on pesticides. The committee appointed a special subcommittee to study exclusively the hazards of pesticide poisoning. The subcommittee and the full committee had several meetings, open to the public, at which the hazards of pesticides were discussed. At these meetings members of the public and experts from Federal agencies, such as the Department of Agriculture and the Environmental Protection Agency, participated.

In September 1972, the Migrant Legal Action Program, Inc., et al., filed a petition with the Occupational Safety and Health Administration, setting forth data and arguments for the promulgation of an emergency standard on pesticides. During this time, available literature on pesticide poisoning was reviewed by the staff of the Occupational Safety and Health Administration.

The information presented to us, and obtained by us, makes it clear that the pesticides listed in the standard set out below are highly harmful. The National Institute for Occupational Safety and Health confirms the inherent toxicity of the organophosphorous insecticides and believes that protection for workers exposed to these agricultural chemicals is greatly needed and that the concept of reentry intervals provides an effective means to furnish such protection. The Federal Task Group on Occupational Exposures to Pesticides has identified apples, peaches, grapes, tobacco, oranges, lemons, and grapefruits as crops which pose the greatest hazards to field workers' health, on the basis of field worker contact in cultivation and harvesting, and organophosphorous compounds as pesticides needing priority attention, because they can be cumulative and historically have caused serious health problems.

Accordingly, it is hereby found that: (1) The pesticides listed in the standard below are highly toxic; (2) that premature exposure to them would pose a grave danger; (3) that farm workers have in the past growing seasons, are now, and are expected to be in the near future exposed to these pesticides; and (4) that the standard set out below, based on the recommendations of the Standards Advisory Committee on Agriculture and suggested field reentry safety intervals from the Environmental Protection Agency, is necessary to regulate such exposure so as to protect the workers from the danger.

Pursuant to section 6(c) of the act, a proceeding will commence shortly in accordance with section 6(b) of the act, in which the emergency temporary standard will serve as a proposed rule, together with other subsidiary rules.

Before or during the proceeding under section 6(b) a draft environmental impact statement will be filed with the Council on Environmental Quality and copies will be sent to other appropriate Federal agencies for their comments. In addition, a copy of the proposed rules to be noticed under section 6(b) will be sent to the Environmental Protection Agency for its comments. We will also continue to consult with Federal agencies having expertise on the questions encountered, particularly the Environmental Protection Agency and the National Institute for Occupational Safety and Health, and will continue to give careful consideration to their views.

We recognize the importance that the action taken for the protection of employees be consistent with any action which is taken under the Federal Environmental Pesticide Control Act of 1972, which amended the Federal Insecticide, Fungicide, and Rodenticide Act, for public protection. Accordingly, this emergency temporary standard has been discussed with the Environmental Protection Agency. 1. Part 1910 is amended by adding a new § 1910.267a to read as follows:

§ 1910.267a Pesticides.

(a) *General requirements.*—(1) *Scope.* This section contains standards relating to operations in which one or more of the crops specified in Table I of this section are treated with one or more of the pesticides listed in Table I.

(2) *Definitions.* (i) "Pesticide" means any substance or mixture of substances which is a pesticide within the meaning of this word in the Federal Environmental Pesticide Control Act of 1972 and which is listed in Table I of this section.

(ii) "Field reentry safety interval" means the period of time in days, each day of 24 hours, that must elapse after a field is treated with a pesticide before employees that may have contact with the treated foliage may be permitted to enter the field.

(iii) "Field" means any area upon which one or more of the crops specified in Table I are grown, but does not include enclosed structures, such as greenhouses.

(b) *Application and field reentry.* (1) No employer shall permit the spraying, application or other use of a pesticide on any part of a field unless all employees, other than the applicators of the pesticide, have first been removed from that part of the field.

(2) No employer shall permit any employee to enter any part of a field treated with a pesticide before the passage of the applicable field reentry safety interval prescribed in Table I of this section, except as otherwise provided in paragraph (c)(1) of this section. Where a crop is treated with more than one pesticide, entry into the field shall be prohibited until passage of the longest of the applicable field reentry safety intervals.

(3) *Warnings.* (i) When employees are expected to be working in the vicinity of a field to be treated with a pesticide, the employees shall be timely warned. The warning shall be given by posting warning signs both at the usual points of entrance to the field, and on bulletin boards at points where the employees usually assemble for instructions. Where an employer has reason to believe that any employee is unable to read, he shall give the employee oral warning. Posted signs shall be maintained for the duration of the applicable field reentry safety interval, and, upon the expiration of the interval, should be removed immediately.

(ii) The warnings shall include at least the following information given in the English language and any other language which may be necessary to communicate the warning to employees:

(A) The name of the pesticide or pesticides used, and the date of the application;

(B) The name of the crop treated;

(C) The location and boundaries of the field or section of the field treated;

(D) The date the applicable field reentry safety interval expires; and

(E) Instruction to stay out of the field until the expiration of the field reentry safety interval.

(iii) Warnings shall also include the legend "Danger" and "Do Not Enter", and, when posted, shall be displayed with letter sizes and styles so as to be legible at a distance of no less than 25 feet. The posted warning signs shall be of such durability and construction that they remain clearly legible for the duration of the field reentry safety interval.

(iv) The information on each warning to be given orally, or posted, shall be recorded and maintained for at least 1 year. The record shall be available for inspection and copying to representatives of the Assistant Secretary of Labor for Occupational Safety and Health.

(c) *Limited field reentry.*—(1) *Operations.*—Employees may be permitted to enter a field before the expiration of the field reentry safety interval prescribed in table I of this section, for evaluation of the effectiveness of the pesticide treatment, spraying, frost protection, maintenance of equipment within the field, such as irrigation piping, and other special activities which cannot reasonably be delayed, provided the employees are protected with the equipment and clothing indicated in table II of this section. Such

equipment and clothing shall be provided by the employer.

(2) *Use and care of protective clothing and equipment.*—(i) All protective clothing, required by table II of this section, shall be thoroughly washed or disposed of after each day's use.

(ii) All respirators and gas masks shall be cleaned and maintained in accordance with § 1910.134(f).

(iii) Any employer who gives pesticide-contaminated clothing or equipment to another person for laundering, cleaning, or maintenance shall inform such person of the warnings and precautions to be taken, as described on the label of the pesticide which has contaminated the clothing or equipment.

(iv) When protective clothing or equipment is cleaned or washed, the process shall be conducted in a manner that will prevent wash-water wastes from the clothing or equipment from creating a hazard to the health of employees.

(v) When the same clothing or equipment is to be used by more than one employee in a given day, the clothing or equipment shall be adequately washed or cleaned before it is passed from one employee to another.

(vi) When the protective clothing becomes contaminated with a pesticide to the extent that the skin could become contaminated, the clothing shall be removed and the skin washed.

(3) *Sanitation.*—(i) The employer shall provide an adequate supply of potable water for emergency washing purposes in reasonable vicinity to any field treated with a pesticide.

(ii) Employers shall not permit employees to store, eat, or drink food or beverage where the food or beverage may be exposed to pesticides.

(iii) Employers shall provide a change room or area for employees required to wear protective clothing specified in table II of this section. Within the change room, or area there shall be provided an individual locker, container, or hanger for the uncontaminated clothing of each employee. A separate container shall be provided for contaminated clothing and equipment.

(iv) The washing and change room facilities shall be separate from those provided for other purposes.

(d) *Medical services and first-aid.*—(1) The employer shall make arrangements to provide necessary medical assistance to employees who may suffer injuries or illnesses by reason of occupational exposure to pesticides.

(2) The employer shall insure that each crew leader or foreman is instructed to recognize early symptoms of organophosphorous pesticide poisoning and to take appropriate protective measures.

TABLE I—FIELD REENTRY SAFETY INTERVALS IN DAYS FOR CROPS TREATED WITH ORGANOPHOSPHOROUS PESTICIDES

	Oranges, lemons, and grapefruits		Peaches		Grapes		Tobacco		Apples	
	Dry area	Wet area [1]	Dry area	Wet area [1]	Dry area	Wet area [1]	Dry area	Wet area [1]	Dry area	Wet area [1]
Azinphosmethyl (Guthion)	14	5	10	5	14	5	5	5	5	5
Carbophenothion (Trithion)	14	5	14	5	14	5	----	----	5	5
Demeton (Systox)	5	5	5	5	5	5	----	----	5	5
Diazinon	2	2	2	2	2	2	2	2	2	2
Dimethoate (Cygon)	2	2	----	----	----	----	2	2	2	2
Dioxathion (Delnav)	2	2	2	2	2	2	----	----	2	2
Disulfoton (DiSyston)	----	----	----	----	----	----	3	3	----	----
EPN	14	5	10	5	10	5	----	----	5	5
Ethion	14	5	8	5	8	5	----	----	5	5
Imidan (Prolate)	----	----	2	2	2	2	----	----	2	2
Malathion	2	2	2	2	2	2	2	2	2	2
Methyl parathion	----	----	10	5	14	5	5	5	5	5
Mevinphos (Phosdrin)	5	5	5	5	5	5	----	----	5	5
Monocrotophos (Azodrin)	----	----	----	----	----	----	5	5	----	----
Naled (Dibrom)	2	2	2	2	2	2	2	2	----	----
Oxydemethonmethyl (Meta-Systox R)	5	5	5	5	5	5	----	----	----	----
Parathion	14	5	10	5	14	5	[2] 7A [2] 5B	[2] 5A [2] 5B	5	5
Phosalone (Zolone)	----	----	----	----	10	5	----	----	5	5
Phosphamidon (Dimecron)	14	5	----	----	----	----	----	----	5	5
TEPP	3	3	3	3	----	----	----	----	3	3
Trichlorfon (Dylox)	----	----	----	----	----	----	2	2	----	----

[1] An area where moderate rainfall has occurred, or a moderate wash has been applied, after pesticide application.
[2] A—Plant bed tobacco.
[2] B—Field tobacco.

TABLE II—MINIMUM PROTECTION FOR EMPLOYEES ENTERING FIELDS PRIOR TO THE EXPIRATION OF FIELD REENTRY SAFETY INTERVALS SPECIFIED IN TABLE I

If the principal route of exposure to the employee is expected to be by	The employee shall be provided with, shall be required to wear, and shall be given instructions for the proper use of.
Inhalation and/or ingestion	Approved reusable or single use dust respirator; [1] or approved chemical cartridge respirator or gas mask. [1] [2]
Skin	Coveralls or other whole body coverings, gloves, hat, and impermeable shoe covering. [3]

[1] Respirators approved by the U.S. Department of Health, Education, and Welfare (National Institute for Occupational Safety and Health) and U.S. Department of Interior (Bureau of Mines), under the provisions of 30 CFR Part 11.

[2] To be used where the pesticides disulfoton, parathion, TEPP, and methyl parathion are encountered.

[3] The protective clothing provided shall be a washable, closely woven fabric to prevent contact with the pesticide.

2. Section 1910.267 is revised to read as follows:

§ 1910.267 Agricultural operations.

(a) (1) The standards referenced in the remaining subparagraphs of this paragraph apply to the indicated operations, whether or not they are agricultural operations.

(2) Sanitation in temporary labor camps, § 1910.142.

(3) Storage and handling of anhydrous ammonia, § 1910.111 (a) and (b).

(4) Pulpwood logging, § 1910.266.

(5) Slow-moving vehicles, § 1910.145.

(6) Pesticides, § 1910.267a.

(b) Except to the extent specified in paragraph (a) of this section, the standards contained in subparts B through S of this part do not apply to agricultural operations.

Effective date.—These amendments shall become effective June 18, 1973. The delay in effective date is to afford affected persons a reasonable and necessary period for adjusting to the standard. Any employer subject to § 1910.267a shall comply therewith, even though a label registered with the Environmental Protection Agency requires a shorter field reentry safety interval. On the other hand, compliance with § 1910.267a does not excuse any person from complying with such a label.

(Sec. 6(c), Public Law 91-596, 84 Stat. 1596, 29 U.S.C. 655, Secretary's Order No. 12-71, 36 FR 8754.)

Signed at Washington, D.C., this 19th day of April 1973.

JOHN H. STENDER,
Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc.73-8366 Filed 4-30-73;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of the California Plan

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

On September 27, 1972, the State of California submitted a comprehensive developmental occupational safety and health plan in accordance with these procedures and on January 5, 1973, a notice was published in the FEDERAL REGISTER (38 FR 925) concerning the submission of the plan to the Assistant Secretary and the fact that the question of approval was in issue before him.

The plan involves making those changes in the attributes of the State's current occupational safety and health program that appear necessary to bring

it into full conformity with the requirements of section 18(c) of the act and 29 CFR part 1902.

The State's program would be enforced by the Division of Industrial Safety of the Department of Industrial Relations of the California Agriculture and Services Agency. Current safety and health standards would be continued unless amended by a State occupational safety and health standards board to be created. This board will take the amending action necessary to assure that State standards are as effective as those established under the Federal program. Appeals from the granting or denial of requests for variances will also come within the jurisdiction of this board. Administrative adjudications will be the responsibility of a newly created occupational safety and health appeals board.

It is contemplated that enabling legislation will be passed during 1973 and that within 1 year thereafter the plan will be administratively implemented and necessary changes in standards will be effected making it fully operational in most respects. Certain additional developmental activities are, however, not expected to be completed until the third year of the plan's implementation.

The State program is expected to extend its protection to all employees in the State (including those employed by it and its political subdivisions) except those employed by Federal agencies, maritime workers falling under the Federal maritime jurisdiction, household domestic service workers, and railroad workers not employed in railroad shops.

The California program will include all of the special features required by 29 CFR part 1902. Thus, it proposes procedures for providing prompt and effective standards for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; and procedures for variances and the protection of employees from hazards. It provides employer and employee representatives an opportunity to accompany inspectors and call attention to possible violations before, during, and after inspections, protection of employees against discharge or discrimination in terms and conditions of employment, notice to employees or their representatives when no compliance action is taken upon complaints, including informal review, notice to employees of their protections and obligations, adequate safeguards to protect trade secrets, prompt notice to employers and employees of alleged violations of standards and abatement requirements, effective remedies against employers, and the right to review alleged violations, abatement periods, and proposed penalties with opportunity for employee participation in the review proceedings; procedures for prompt restraint or elimination of imminent danger conditions, and procedures for inspections in response to complaints. The plan includes a merit system of personnel administration for efforts to achieve voluntary compliance by employers and employees that will include both on and offsite consultations. The State's proposed consultation program should not detract from its enforcement program and the plan meets the conditions set forth in the issues discussed in the Washington decision (38 FR 2421, Jan. 26, 1973).

Interested persons were afforded 30 days from the date of publication to submit written comments concerning the plan. Further, interested persons were afforded an opportunity to request an informal hearing with respect to the plan or any part thereof, upon the basis of substantial objections to the contents of the plan.

Issues.—Pursuant to this notice several comments were received from interested persons and organizations including the AFL–CIO; California Labor Federation (CLF), AFL–CIO; Federated Fire Fighters of California (FFFC), AFL–CIO; General Electric, Nuclear Energy Division; United States Steel; and the California Chamber of Commerce. The AFL–CIO, CLF, and FFFC also requested a hearing.

With the benefit of the public comments and discussions with the staff of the Office of Federal and State Operations, the State has made significant modifications in its plan meeting many of the objections which have been raised. In light of the modifications, there are no significant objections which are outstanding. Accordingly, the several requests for a hearing are hereby denied. None of the questions raised in the public comments were found to be of such a nature as to require a hearing under § 1902.11(f). The State took the opportunity by letters dated March 21, 1973, and April 10, 1973, which are incorporated in the plan to adjust and clarify the plan, as set forth below.

The program will include:

(a) A component relating to the hazards involved in radiation machines and other non-Atomic Energy Act sources of radiation;

(b) Assurances that standards relating to toxic materials or harmful physical agents will to the extent feasible protect employees having regular exposure thereto from material impairment of health or functional capacity during their working life;

(c) A provision assuring that medical examinations required by standards shall be furnished only to the State agency or to the employee's physician;

(d) A requirement that employees be notified of excessive exposure to toxic materials or harmful physical agents and of corrective action taken;

(e) Assurance that standards covering temporary labor camps will be adopted;

(f) Plans to pattern variance procedures after those used in the Federal program;

(g) A provision to permit a State temporary emergency standard based on one issue under the Federal program to remain in effect until after the Federal permanent standard is adopted;

(h) Assurances that the State will not authorize advance notice of inspections in circumstances not contemplated under the Federal program as discussed in 29 CFR 1903.6;

(i) Assurance that State sanctions for recordkeeping and reporting violations will be patterned after the Federal program;

(j) Deletion of the phrase "or a member thereof" in the provision in the proposed legislation dealing with stays of execution of judgments which could have permitted a single member of the appeals board to stay an execution of judgment and thus possibly negate a decision of the majority;

(k) A specific provision authorizing employee actions in State courts to compel the agency to act where it has arbitrarily and capriciously failed to attempt to eliminate an imminent danger;

(l) An amendment to the criminal provisions of the present California Labor Code to remove possible sanctions against employees for violations of standards. This will avoid any potential danger of inhibiting employees from exercising complaint rights for fear that counter complaints or threats of complaints may be made against them.

In addition to the topics which were the subject of plan modifications thus far discussed, criticisms were submitted with regard to the adequacy of the program's proposed staff based on the lower ratio of covered workers to inspectors than has been proposed in several other State plans.

Besides the quantitative relationship of staffing to employers and employees covered, other factors to be taken into consideration in determining adequacy of staffing are the organizational structure, degree of experience, and training of staff, accessibility over geographical areas, and the program goals required under § 1902.3(l) to be "consistent with the goals of the act." The staffing set forth in this plan is both substantial and current; it is presumably immediately available to carry out the State's obligations, enhancing such staff's ratio of effectiveness as opposed to a more developmental staff. Actual operations under the plan will provide more concrete information for determining what augmentation, if any, may be necessary at that future time for achieving the requirements of the act.

Moreover, it must be noted that California has a current force of over 140 safety engineers and industrial hygiene engineers working on matters related to this plan; a force which is to be augmented subsequent to the approval of the State's grant under section 23(g) of the Federal Act. The present force is larger than the estimated maximum number that could be provided using existing Federal financial resources in the absence of an approved State program.

The other objections to the plan were in the main based on apparent misunderstanding concerning its scope and application. The most significant of these ex-

pressed doubts concerning assurances that: (a) Investigators would have an effective legal means for gaining entry to workplaces, and (b) that employees filing complaints would have the right to have their identities kept confidential. Both of these matters are in fact adequately covered by the plan and existing State legislation. (See California Labor Code sections 6314, 6315, and the recently amended section 6505; California Code of Civil Procedure sections 1822.50–1822.57).

Decision.—After careful consideration of the California plan, including the modifications thereof, and comments submitted regarding the plan, the plan is hereby approved under section 18 of the act and part 1902.

This decision incorporates requirements of the act and implementing regulations applicable to State plans generally. It also incorporates intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's Developmental Schedule as set out in section 1952.173 below.

Pursuant to § 1902.20(b)(iii) of title 29, Code of Federal Regulations, the present level of Federal enforcement in California will not be diminished. Among other things, the U.S. Department of Labor will continue to investigate catastrophes and fatalities, investigate valid complaints under section 8(f), continue its target industry and target health hazard programs, and inspect a cross-section of all industries on a random basis. About 6 months following this approval, an evaluation of the State plan, as implemented, will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement authority will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of California. Part 1952 is hereby amended by adding thereto a new subpart K reading as follows:

Subpart K—California

Subpart K—California

§ 1952.170 Description of the plan.

(a) The State's program will be enforced by the Division of Industrial Safety of the Department of Industrial Relations of the California Agriculture and Services Agency. Current safety and health standards will be continued unless amended by a State occupational safety and health standards board to be created. This board will take the amending action necessary to assure that State standards are as effective as those established under the Federal program. Appeals from the granting or denial of requests for variances will also come within the jurisdiction of this board. Administrative adjudications will be the responsibility of the California Occupational Safety and Health Appeals Board.

(b) The State program is expected to extend its protection to all employees in the State (including those employed by it and its political subdivisions) except those employed by Federal agencies, certain maritime workers, household domestic service workers, and railroad workers not employed in railroad shops. (It is assumed that activities excluded from the Occupational Safety and Health Act's jurisdiction by section 4(b)(1) (29 U.S.C. 653(b)(1)) will also be excluded from the State's jurisdiction under this plan.)

(c) The plan includes procedures for providing prompt and effective standards for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; and procedures for variances and the protection of employee from hazards. It provides employer and employee representatives an opportunity to accompany inspectors and call attention to possible violations before, during, and after inspections, protection of employees against discharge or discrimination in terms and conditions of employment, notice to employees or their representatives when no compliance action is taken upon complaints, including informal review, notice to employees of their protections and obligations, adequate safeguards to protect trade secrets, prompt notice to employers and employees of alleged violations of standards and abatement requirements, effective remedies against employers, and the right to review alleged violations, abatement periods, and proposed penalties with opportunity for employee participation in the review proceedings; procedures for prompt restraint or elimination of imminent danger conditions, and procedures for inspection in response to complaints.

(d) Based on an analysis of California's standards comparison, the State's standards corresponding to subparts F and K of this part, and § 1910.263 of this (chapter) in subpart R of this part, of the OSHA standards have been determined to be at least as effective. These State standards contain no product standards. As indicated in § 1952.173, the State's developmental schedule provides that the remaining subparts will be covered by corresponding State standards which are at least as effective within 1 year of plan approval.

(e) The plan includes a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the constitution and laws of California. The plan sets out goals and provides a timetable for bringing it into full conformity with part 1902 of this chapter upon enactment of the proposed legislation by the State legislature. A merit system of personnel administration will be used. In addition, efforts to achieve voluntary compliance by employers and employees will include both on- and off-site consultations. The plan is supplemented by letters dated March 21, 1973, and April 10, 1973, from A. J. Reis, Assistant Secretary for Occupational Safety and Health of the Agriculture and Service Agency of the State of California.

§ 1952.171 Where the Plan may be inspected.

A copy of the plan may be inspected and copied during normal business hours at the following locations: U.S. Department of Labor, Office of Federal and State Operations, Occupational Safety and Health Administration, room 305, 400 First Street NW., Washington, D.C. 20210; Regional Office, Occupational Safety and Health Administration, room 9470, Federal Office Building, 450 Golden Gate Avenue, San Francisco, Calif. 94102; State of California, Agriculture and Services Agency, 1220 "N" Street, Room 114, Sacramento, Calif. 95814; Department of Industrial Relations, 455 Golden Gate Avenue, room 999, San Francisco, Calif. 94102; and Division of Industrial Safety, 3460 Wilshire Boulevard, room 916, Los Angeles, Calif. 90010.

§ 1952.172 Level of Federal enforcement.

Pursuant to § 1902.20(b)(iii) of this chapter, the present level of Federal enforcement in California will not be diminished. Among other things, the U.S. Department of Labor will continue to investigate catastrophes and fatalities, investigate valid complaints under section 8(f) of the Occupational Safety and Health Act of 1970, continue its target industry and target health hazard programs, and inspect a cross-section of all industries on a random basis.

§ 1952.173 Developmental Schedule.

(a) Within 1 year following plan approval, legislation will be enacted authorizing complete implementation of the plan and enforcement rules and regulations will be promulgated, and an operations manual be completed.

(b) Within 1 year following plan approval, present standards will have been amended or new standards will have been promulgated as effective and comprehensive as those set forth in chapter XVII of this title 29 of the Code of Federal Regulations.

(c) An exception to paragraphs (a) and (b) of this section exists relative to radiation machines and other non-Atomic Energy Act sources of radiation. The standards and enforcement program in this area will be developed within 2 years of plan approval.

(d) Inter-agency agreements to provide technical support to the program will be fully functioning within 1 year of plan approval.

(e) Inservice training plans for enforcement personnel will be developed within 18 months of plan approval.

(f) A program of consultation with employers and employees will be functioning within 6 months of plan approval.

(g) Within 3 years of plan approval all developmental steps will be fully implemented.

(Sec. 16, Public Law 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C., this 24th day of April 1973.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.73-8391 Filed 4-30-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 881—APPOINTMENT IN COMMISSIONED GRADES—RESERVE OF THE AIR FORCE AND U.S. AIR FORCE (TEMPORARY)

Miscellaneous Amendments

Part 881, subchapter I of chapter VII of title 32 of the Code of Federal Regulations is amended as follows:

§ 881.21 [Amended]

1. Section 881.21 is amended by changing, in paragraph (c), the symbol in the last sentence from "USAFMPC (DPM RDS)" to "AFMPC/DPMMPR."

2. Section 881.22 is amended by revising paragraph (b) to read as follows and by changing, in paragraph (c) "AFR 125-36" to "AFR 205-32."

§ 881.22 Duties of the examining centers.

* * * * *

(b) *Testing.*—(1) Unless exempt, each applicant will be administered the Air Force officers qualifying test (AFOQT). No minimum qualifying scores are established. The test will be conducted according to current and appropriate instructions for administering and scoring the AFOQT battery, to derive the following:

(i) Officer quality.
(ii) Verbal aptitude.
(iii) Quantitative aptitude.

(2) Exempted categories are:

(i) Former officers.

(ii) Officers of any of the services, except those applying for entry in pilot or navigator training who must meet the requirements established in AFR 51-4.

(iii) Individuals applying under subparts E and F; subpart G, § 881.62; and subpart H, §§ 881.71, 881.72, 881.73, and 881.76.

(3) Testing requirements for AFROTC students and individuals enrolled in the school of military sciences, officer, are outlined in directives relating to those programs.

(4) The AFOQT will be administered by a test control officer or authorized personnel of the recruiting service. A certified record of aptitude scores will be attached to the application.

* * * * *

3. Section 881.23 is amended by revising paragraph (a) to read as follows:

§ 881.23 Selection of applicants.

(a) Applicants will be selected as indicated in § 881.4 through the use of a quality oriented system including, but not limited to, factors such as education, experience, test scores, potential, and motivation.

* * * * *

(10 U.S.C. 591, 8012, 8067, 8353, and 8444.)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-8380 Filed 4-30-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER J—BRIDGES

[CGD 73-85R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Durham Creek, S.C.

The South Carolina Electric & Gas Co. requested that special regulations governing the operation of its removable-span bridge across Durham Creek be established. A public notice dated November 24, 1970, setting forth the proposed revision of the regulations governing this removable-span bridge was issued by the Commander, Seventh Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of November 17, 1970 (35 FR 17673). Interested persons were afforded an opportunity to participate in this rulemaking through the submission of comments. One comment was received from the city of Charleston, S.C., which requested that the removable span be removed within 24 hours for emergency situations in the Bushy Park Reservoir. The emergency provision in the regulation satisfies their request by requiring a removal of the span as soon as possible after the city's request to permit the passage of certain vessels in an emergency. The 2½-year period between the proposal and final rule is due to delays in completion of this bridge.

Accordingly, part 117 is amended by adding subparagraph (17-a) to paragraph (g) of § 117.245 to read as follows:

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

* * * * *

(g) * * *

(17-a) Durham Creek, S.C., South Carolina Electric & Gas Co. railroad bridge. The removable span shall be removed to allow the passage of dredges and construction equipment provided 20 days advance notice has been given. When notified by the city of Charleston, S.C., of an emergency in the Bushy Park Reservoir the span shall be removed as soon as possible to permit the passage of dredges and construction equipment.

* * * * *

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

Effective date.—This revision shall become effective on June 1, 1973.

Dated April 24, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73-8428 Filed 4-30-73;8:45 am.]

[CGD 73-72P]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Shaws Cove, Conn.; Correction

The following corrections are made to the proposed amendments printed in the FEDERAL REGISTER on April 18, 1973, at 38 FR 9592:

1. Delete "7" and insert "5" on line 2 of § 117.105(a)(1).

2. Delete "7" and insert "5" on line 1 of § 117.105(a)(2).

3. Insert immediately after "8 a.m." on line 2 of § 117.105(a)(2), "and on Saturday and Sunday,".

4. Delete § 117.105(a)(3).

Effective date.—These corrections are effective May 1, 1973.

Dated April 25, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73-8427 Filed 4-30-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 160—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-(p-tert-Butylphenoxy)Cyclohexyl 2-Propynyl Sulfite

A petition (PP OF0988) was filed by Uniroyal Chemical, division of Uniroyal, Inc., Bethany, Conn. 06525, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide 2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl

sulfite in or on the raw agricultural commodities almond hulls at 55 p/m; grapes at 10 p/m; lemons and oranges at 3 p/m; milk fat at 0.7 p/m (reflecting negligible residues of 0.03 p/m in milk); liver at 0.5 p/m; and almonds and meat (except liver), fat, and meat byproducts of cattle, goats, sheep, and poultry at 0.1 p/m (negligible residue).

Subsequently, the petitoner amended the petition by: (a) Increasing the proposed tolerances for residues of the insecticide in or on lemons and oranges from 3 to 5 p/m and in milk fat from 0.7 p/m (reflecting negligible residues of 0.03 p/m in milk) to 2 p/m in milk fat (reflecting a negligible level of 0.08 p/m in whole milk); (b) proposing a tolerance of 0.1 p/m (negligible residue) in eggs; and (c) withdrawing the proposed tolerance for residues in liver. (For a related document, see this issue of the FEDERAL REGISTER, page 10713).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation that residues in eggs, meat, milk, or poultry will exceed the proposed tolerances and § 180.6(a)(2) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.259 is amended by adding the new paragraphs "55 p/m * * * *", "10 p/m * * * *", "5 p/m * * * *", "2 p/m * * *", and "0.1 p/m (negligible residue) in eggs * * *" and by revising the paragraph "0.1 p/m (negligible residue) in or on walnuts", as follows:

§ 180.259 2-(*p-tert*-Butylphenoxy)cyclohexyl 2-propynyl sulfite; tolerances for residues.

* * * * *

55 p/m in or on almond hulls.

* * * * *

10 p/m in or on grapes.

* * * * *

5 p/m in or on lemons and oranges.

* * * * *

2 p/m in milk fat (reflecting negligible residues of 0.08 p/m in milk).

0.1 p/m (negligible residue) in or on almonds, and walnuts.

0.1 p/m (negligible residue) in eggs, and the meat fat, and meat byproducts of cattle, goats, sheep, and poultry.

Any person who will be adversely affected by the foregoing order may at any time on or before May 31, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective May 1, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2).)

Dated April 26, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-8482 Filed 4-30-73;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 74—CLINICAL LABORATORIES

Miscellaneous Amendments

The standards implementing the Clinical Laboratories Improvement Act of 1967 were published December 31, 1968, 33 FR 20043. Clarifying, editorial, and technical amendments are now indicated. Thus, procedures involving the use of a radioactive tracer in an in vitro assay of a nonradioactive biological substance were formerly viewed as constituting radiobioassay. Upon further consideration, it appears that such procedures are more properly viewed, in line with current laboratory practice and opinion, as falling within the clinical chemistry category of examinations for purposes of licensure and that § 74.1(i), defining radiobioassay procedures, should therefore be limited. The handling of license fee payments has been complicated by the imposition of the requirement in § 74.10 for remittance of the fee with the application. As a result of interviews, inspection of the laboratory, and processing generally, the number of categories for which a license is requested may be increased or decreased, with a consequent necessary adjustment in the amount of the fee. An amendment to §74.10 will eliminate the need for such adjustment by providing for payment upon notice furnished after completion of the processing of the application. The remaining changes are of a grammatical or editorial nature and are self-explanatory.

Since these changes are clarifying, editorial, and technical in nature, notice of proposed rulemaking and public rulemaking procedures have been omitted as unnecessary and contrary to the public interest. Part 74 of title 42 is hereby amended as set forth below.

Effective date.—These amendments shall be effective May 1, 1973.

(Sec. 215, 58 Stat. 690; 42 U.S.C. 216.)

Dated March 30, 1973.

FREDERICK L. STONE,
Acting Amdinistrator, Health Services and Mental Health Administration.

Approved April 25, 1973.

CASPAR W. WEINBERGER,
Secretary.

1. Paragraph (i) of § 74.1 is amended by deleting subparagraph (3), by changing "or", immediately preceding "(2)" to "and", and by making appropriate changes in punctuation. As thus amended, paragraph (i) reads as follows:

§ 74.1 Definitions.

* * * * *

(i) "Radiobioassay" includes (1) an examination to identify radionuclides or determine and quantitate body levels of radionuclides which are taken in by chronic or acute absorption, ingestion, or inhalation and (2) following the administration of a radioactive material to a patient, the subsequent analysis of a body fluid or excreta in order to evaluate body function.

* * * * *

2. Paragraph (d) of § 74.10 is amended by deleting the first sentence and by inserting a new provision for payment of the fee immediately preceding the colon. As thus amended, paragraph (d) reads as follows:

§ 74.10 License application.

* * * * *

(d) The amount of the fee shall be $25 per annum for each of the categories enumerated in § 74.2(b)(1). The applicant shall pay the appropriate fee upon notice by the Secretary prior to issuance of the license: *Provided*, That such fee of $25 per annum shall be imposed without regard to the number of procedures within each such category to which the license is applicable: *Provided further*, That the maximum fee required for each laboratory shall not exceed $125 per annum.

* * * * *

§ 74.20 [Amended]

3. Paragraph (a) of § 74.20 is amended by changing "or" to "and", by inserting "as may be appropriate" immediately following "instruments", and by making appropriate changes in punctuation. As thus amended, paragraph (a) reads as follows:

(a) Preventive maintenance, periodic inspection and testing for proper operation of equipment and instruments, as may be appropriate; validation of methods; evaluation of reagents and volumetric equipment; surveillance of re-

sults; and remedial action to be taken in response to detected defects.

4. Paragraph (c) of § 74.20 is amended by inserting "requirements" after "storage". As thus amended, paragraph (c) reads as follows:

(c) Labeling of all reagents and solutions to indicate identity, and when significant, titer, strength, or concentration, recommended storage requirements, preparation or expiration date, and other pertinent information. Materials of substandard reactivity and deteriorated materials may not be used.

5. Paragraph (d) of § 74.20 is amended by substituting "pathology" for "bacteriology", by deleting the words "and of" immediately preceding the word "reagents", by numbering the requirements specified within paragraph (d), and by making appropriate changes in punctuation. As thus amended, paragraph (d) reads as follows:

(d) The availability at all times, in the immediate bench area of personnel engaged in examining specimens and performing related procedures within a category (e.g., clinical chemistry, hematology, and pathology), of current laboratory manuals or other complete written descriptions and instructions relating to (1) the analytical methods used by those personnel, properly designated and dated to reflect the most recent supervisory reviews, (2) reagents, (3) control and calibration procedures, and (4) pertinent literature references. Text books may be used as supplements to such written descriptions but may not be used in lieu thereof.

§ 74.21 [Amended]

6. Paragraph (a) of § 74.21 is amended by changing the word "or" immediately preceding the word "microorganisms", in the first sentence, to "of". As thus amended, paragraph (a) reads as follows:

(a) *Bacteriology and mycology.*—Staining materials shall be tested for intended reactivity by concurrent application to smears of microorganisms with predictable staining characteristics. Each batch of medium shall be tested before or concurrently with use with selected organisms to confirm required growth characteristics, selectivity, enrichment, and biochemical response.

7. Paragraph (b) of § 74.21 is amended by inserting after the word "available", in the first sentence, the words, "and used". As thus amended, paragraph (b) reads as follows:

(b) *Parasitology.*—A reference collection of slides, photographs, or gross specimens of identified parasites shall be available and used in the laboratory for appropriate comparison with diagnostic specimens. A calibrated ocular micrometer shall be used for determining the size of ova and parasites, if size is a critical factor.

8. Paragraph (d) of § 74.42 is amended by changing "referee", in the first sentence, to "reference". As thus amended, paragraph (d) reads as follows:

* * * * *

§ 74.42 Satisfactory participation; particular procedures and categories.

* * * * *

(d) *Immunohematology.*—For ABO grouping, Rh-typing, and cross-matching, there must be agreement with the results of the tests made by reference laboratories. For irregular antibody identification, the criteria contained in paragraph (c) of this section, relating to proficiency testing in serology, shall be applicable.

* * * * *

9. The caption of § 74.47 is amended to read as follows:

§ 74.47 Accreditation; stringency of standards; failure to demonstrate; applicability of licensing requirements.

* * * * *

[FR Doc.73-8417 Filed 4-30-73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—LOAD LINES

[CGD 72-57R]

PART 56—PIPING SYSTEMS AND APPURTENANCES

Requirements for Remote Valve Controls

This amendment promulgates changes to the regulations to clarify the Coast Guard's design requirements for remote valve controls. The existing regulations have been misinterpreted as a requirement to equip reach rods with indicators when they are used to operate valves located in cargo tanks. This amendment makes clear that no indicators are required on either valves located in cargo tanks or at either end of reach rods. Power actuated remote valve controls are, however, required to have indicators.

A notice of proposed rulemaking (CGD 72-57P) with respect to these regulation changes was published in November 17, 1972 issue of the FEDERAL REGISTER (37 FR 24439).

The Coast Guard invited interested persons to submit comments on these amendments by December 19, 1972. No comments were received.

In consideration of the foregoing, part 56 of chapter I of title 46 of the Code of Federal Regulations is amended as follows:

§ 56.20-9 [Amended]

1. By amending § 56.20-9(a) by striking the words "as provided for in subparagraph 56.50-1(g)(2)." and inserting in their place the words "where valves are located in tanks."

2. By revising § 56.50-1(g)(2) to read as follows:

§ 56.50-1 General (replaces 122.6 through 122.10).

* * * * *

(g) * * *

(2)(i) Remote valve controls that are not readily identifiable as to service must be fitted with nameplates.

(ii) Remote valve controls must be accessible under service conditions.

(iii) Remote valve controls, except reach rods, must be fitted with an indicator that shows whether the valve is open or closed.

(iv) Valve reach rods must be adequately protected.

(v) Solid reach rods must be used in tanks containing liquids, except that tank barges having plug cocks inside cargo tanks may have reach rods of extra-heavy pipe with the annular space between the lubricant tube and the pipe wall sealed with a nonsoluble to prevent penetration of the cargo.

* * * * *

(46 U.S.C. 363, 366, 367, 375, 390b, 391, 391a, 392, 395, 404-409, 411, 416, 489, 526p, 1333, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b), 49 CFR 1.46(o)(4) (37 FR 21943).)

Effective date.—This amendment is effective on August 1, 1973.

Dated April 25, 1973.

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

[FR Doc.73-8426 Filed 4-30-73;8:45 am]

SUBCHAPTER O—CERTAIN BULK DANGEROUS CARGOES

[CGD 72-130]

PART 151—UNMANNED BARGES

Clarification of Transverse Stability, Requirements

This amendment clarifies the limits of the formula presently in § 151.10-5(a)(2) and corrects an oversight within the formula's calculations for freeboard augmentation. This amendment was proposed in a notice of proposed rulemaking published in the October 31, 1972 issue of the FEDERAL REGISTER (37 FR 23193). Interested person were given the opportunity to submit written comments to the U.S. Coast Guard (GCMC/82), room 8234, 400 Seventh Street SW., Washington, D.C. 20590. All such communications received within 60 days after October 31, 1972, were fully considered. Interested persons were also given the opportunity to make oral statements at the public hearing which was held on December 19, 1972, in Washington, D.C.

One written comment was received and no oral comments were made at the public hearing. This comment agreed with the proposal to correct the formula for freeboard augmentation but questioned the necessity of stating the limitations of the formula in § 151.10-5(a)(2), since most barges fall within these limitations.

The purpose of this formula is to provide owners with an easy mathematical method to determine the minimum transverse stability required in § 151.10-5 for conventional hull configurations. Since there are a number of barges which will not meet the minimum stability requirements when the formula in § 151.10-5(a)(2) is used, it is necessary that the limits of this formula be stated in regulation.

In consideration of the foregoing, part 151 of title 46, Code of Federal Regulations, is amended as follows:

1. By revising § 151.10–5 to read as follows:

§ 151.10–5 Intact transverse stability.

(a) Except as provided in paragraph (b) of this section, the intact transverse stability for each barge up to the angle of maximum righting arm or angle of downflooding, whichever is less, must be at least—

(1) Five foot degrees for rivers;

(2) Ten foot degrees for lakes, bays, sounds and the Great Lakes—summer (April 16–September 30); and

(3) Fifteen foot degrees for oceans and the Great Lakes—winter (October 1–April 15).

(b) Unless otherwise required by the Commandant, for a barge whose vertical center of gravity for cargo is below the deck at side, the required transverse stability may be determined in terms of metacentric height in feet. The vessel must have at least minimum metacentric height (GM) as determined at any particular draft by the following formula:

$$GM=\frac{kB}{fe}$$

k=0.3 for rivers
=0.4 for lakes, bays, sounds, and the Great Lakes—summer
=0.5 for oceans and the Great Lakes—winter

B=Beam (feet)

fe=Effective freeboard ($f+fa$) in feet. This is freeboard to the deck at side (f) plus a freeboard augmentation (fa) for those barges with a watertight (structural) trunk. When draft (d) is less than fe, it is used in lieu of fe. The freeboard augmentation (fa) may be calculated by the following formula:

$$fa=[(1.25)\left(\frac{l}{L}\right)\left(\frac{2b}{B}-1\right)$$

(h)] or h, whichever is less where:

is less where:

l=Trunk length (feet)
L=Overall length (feet)
b=Trunk breadth (feet)
h=Trunk height at side (feet)

2. By adding § 151.10–6 to follow § 151.10–5 to read as follows:

§ 151.10–6 Intact longitudinal stability.

The longitudinal stability of each barge must be determined in terms of the minimum longitudinal metracentric height (GMI) in feet. The vessel must have at least the minimum longitudinal metacentric height (GMI) as determined at any particular draft by the following formula:

$$GMI=\frac{0.02L^2}{d}$$

where

L=Overall length (feet)
d=Draft (feet)

Effective date.—This amendment shall become effective on August 1, 1973.

(R.S. 4472, as amended, R.S. 4417a; as amended by 86 Stat. 424, 427; sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) and (o)(4).)

Dated April 25, 1973.

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

[FR Doc.73-8425 Filed 4-30-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE AND RECREATION

Wichita Mountains Wildlife Refuge, Okla.

The following special regulation is issued and is effective May 1, 1973.

§ 28.28 Special regulations; public access, use and recreation, for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Those portions of the refuge designated for public use are open for certain recreational uses May 7, 1973 through December 31, 1973. The public use area totals approximately 22,400 acres and is delineated on maps available from the Refuge Manager, Box 448, Cache, Okla. 73527 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, N. Mex. 87103. Public access, use, and recreational activity shall be in accordance with all regulations and all official signs posted in the area subject to the following special conditions.

1. Sightseeing, nature observations, photography, and hiking are permitted.

2. Camping and picnicking are permitted only in areas designated for these uses, by sign, and only in the immediate vicinity of refuge tables and firegrates. Exceeding the posted unit-capacity of these areas is prohibited. A written permit is required for stays in excess of 7 days. Camp stoves and charcoal grills may be used in camp and picnic areas. Dead and down timber may be used in refuge firegrates only.

3. Boating is permitted only on Elmer Thomas Lake. All other floating devices are prohibited on all refuge waters unless permitted by other Federal regulations. Boating is prohibited in marked swimming and scuba diving areas.

4. Swimming, wading, snorkeling, and skindiving are permitted only at designated swimming beaches; and, only when these beaches are supervised by refuge lifeguards. Lifejackets and buoyant vests may be worn while swimming. Food, beverages and pets are prohibited on swimming beaches.

5. Scuba diving is permitted only on Elmer Thomas Lake. Diving areas must be marked with appropriate warning flags when outside of marked swimming areas. Flags must be removed before leaving the area. Inflatable vests may be worn when diving.

6. Leashed pets are permitted except on designated swimming beaches.

7. Possession or use of any alcoholic beverage by persons under 21 years of age is prohibited.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, part 28, and are effective through December 31, 1973.

ROGER D. JOHNSON,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

APRIL 20, 1973.

[FR Doc.73-8443 Filed 4-30-73;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPLORATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS: INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Relief of Restrictions on Importation of Cattle From Mexico

Pursuant to the provisions of sections 6, 7, 8, and 10 of the act of August 30, 1890, as amended, section 2 of the act of February 2, 1903, as amended, and sections 4, 5, and 11 of the act of July 2, 1962 (21 U.S.C. 102–105, 111, 134c, 134d, and 134f), Part 92, Title 9, Code of Federal Regulations, relating to the importation of cattle from Mexico is hereby amended in the following respects:

The purpose of this amendment is to relieve restrictions on importation of cattle originating in tuberculosis-accredited herds in Mexico.

Statement of considerations.—For many years the United States has imported large numbers of cattle for feeding from Mexico. Since the incidence of tuberculosis in such cattle has generally been low and feeder animals are eventually slaughtered, steers for feeding were formerly expempted from tuberculosis testing requirements. However, with the progress in bovine tuberculosis eradication in the United States, it was deemed

necessary to require that steers, except for immediate slaughter, be tested negative for tuberculosis prior to entry.

Department regulations were amended January 31, 1973 (38 FR 2961), to require a negative tuberculin test for steers offered for entry into the United States from Mexico not more than 60 days before the date such animals are offered for entry, or in lieu thereof, to require a negative tuberculin test to be conducted at the time such animals are presented at the port of entry. This requirement was not intended to apply to steers for immediate slaughter imported under § 92.40 and the regulations are clarified to reflect such intent. The regulations also require certification of freedom from evidence of tuberculosis and exposure to such disease for cattle from Mexico other than steers for immediate slaughter, and herd tests for cattle from Mexico other than those for immediate slaughter and for steers.

During the past year, Mexico has initiated a bovine tuberculosis eradication program which includes provisions for establishing tuberculosis-accredited herds. Animal health officials of Mexico have stated that their program would be aided significantly if the United States would permit the entry of cattle from herds which have achieved tuberculosis-accredited status under Mexico's tuberculosis eradication program without preentry tuberculosis tests or compliance with the other requirements mentioned. Such herds would be required to pass an annual negative tuberculin test to maintain tuberculosis-accredited status.

Since Department regulations provide for tuberculin testing of steers at origin or at the port of entry under the supervision of the port veterinarian, the elimination of this preentry testing requirement for steers from tuberculosis-accredited herds which have not been commingled with cattle from any herd not so accredited, will also be of benefit to the Department. Under this procedure, cattle from herds with tuberculosis-accredited status will be free to move to the border without the delay and expense of a test for each lot of steers shipped; fewer groups of animals will need to be held at the port facilities for the 72 hours needed to make the tuberculin test; freer movement of animals of known health status will be possible; and the port veterinarian's inspection responsibilities will be lessened. It will also be an incentive to more cattle producers in Mexico to advance the health status of their herds to tuberculosis-accredited status and thus, to present less risk of importing disease into the United States. The relief of the requirements will also benefit livestock importers. It will not involve a risk of dissemination of tuberculosis of cattle into the United States.

In § 92.35, in paragraph (b)(1), in that part of the third sentence which precedes the proviso, the phrase ", except those certified in accordance with § 92.40," is added after the word "steers", and the following is added at the end of paragraph (b)(1):

§ 92.35 Cattle from Mexico.

* * * * *

(b) *Tuberculosis.* * * * However, cattle, including steers, that originated in herds declared to be tuberculosis-accredited by the Government of Mexico in accordance with that country's standards do not have to comply with the other provisions of this subparagraph if they are moved directly to the U.S. port of entry from their herd of origin without having commingled with cattle from any herd not so accredited enroute to the port of entry, and they are accompanied by a health certificate, issued by a salaried veterinarian of the Government of Mexico, stating that the cattle originated in such a tuberculosis-accredited herd and identifying the animals by eartag or tattoo numbers.

* * * * *

(Secs. 6, 7, 8, and 10, 26 Stat. 416, 417, as amended; sec. 2, 32 Stat. 792, as amended; secs. 4, 5, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 102–105, 111, 134c, 134d, and 134f; 37 FR 28464, 28477.)

Effective date.—The foregoing amendment shall become effective May 1, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and spread of livestock diseases and must be made effective promptly to be of maximum benefit to affected persons.

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

Done at Washington, D.C., this 26th day of April 1973.

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

[FR Doc.73-8504 Filed 4-30-73;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Designation of Washington Under Federal Meat Inspection Act

Statement of considerations.—The Governor of Washington has advised that the State of Washington is no longer in a position to continue administering the State meat inspection program after May 31, 1973, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Washington had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal act. However, such titles contemplate a continuous, ongoing program, and in view of the termination date now applicable to the Washington program, it is hereby determined that the Washington requirements are not at least equal to the prescribed Federal requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the act. On May 31, 1973, the provisions of titles I and IV of the act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the act, and any establishment in the State of Washington which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the act. The exemption provisions of the act are very limited.

Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the regional director for meat and poultry inspection, as listed below, for information concerning the requirements and exemptions under the act and application for inspection and survey of the establishment:

Dr. L. J. Rafoth, Director, western region for meat and poultry inspection program, room 102, building 2C, 620 Central Avenue, Alameda, Calif. 94501. Telephone: A/C 415-273-7402.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act (9 CFR 331.2) is amended pursuant to said act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

§ 331.2 Designation of States under paragraph 301(c) of the act.

* * * * *

State:	*Effective date of designation*
Washington	June 1, 1973.

(Secs. 21 and 301(c), 84 Stat. 1260, as amended, 21 U.S.C. 621, 661(c); 37 FR 28464, 28477.)

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under section 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective May 1, 1973.

Done at Washington, D.C., on April 7, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-8593 Filed 4-30-73;9:23 am]

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Subpart V—Special Provisions for Designated States and Territories; Criteria and Procedure for Designating Establishments With Operations Which Would Clearly Endanger the Public Health; Disposition of Poultry Products Therein

Designation of Washington Under Poultry Products Inspection Act

Statement of considerations.—The Governor of Washington has advised this Department that the State of Washington is no longer in a position to continue administering the State poultry products inspection program after May 31, 1973, and has requested the Department to assume the responsibility for carrying out the provisions of sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act, with respect to establishments within the State at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning poultry products and other articles and animals subject to the act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Washington had developed and activated requirements at least equal to the requirements under sections 1–4, 6–10, and 12–22 of the Federal act. However, such provisions contemplate a continuous, ongoing program, and, in view of the termination date now applicable to the Washington program, it is hereby determined that the Washington requirements are not at least equal to the prescribed Federal requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 5(c)(3) of the act. On May 31, 1973, the provisions of sections 1–4, 6–10, and 12–22 of the act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the act, and any establishment in the State of Washington which conducts any slaughtering or processing of poultry or poultry products as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c)(2) of the act.

Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, listed below, for information concerning the requirements and exemptions under the act and application for inspection and survey of the establishment:

* * * * *

Dr. L. J. Rafoth, Director, Western Region for Meat and Poultry Inspection Program, room 102, Building 2C, 620 Central Avenue, Alameda, Calif. 94501, telephone: Area code 415-273-7402.

Accordingly, § 381.221 of the regulations under the Poultry Products Inspection Act (9 CFR 381.221) is amended pursuant to said act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

§ 381.221 Designation of States under paragraph 5(c) of the act.

* * * * *

State:	*Effective Date of Designation*
Washington	June 1, 1973

* * * * *

(Secs. 14 and 5(c), 71 Stat. 441, as amended, 21 U.S.C. 454(c), 463; 37 FR 28464, 28477.)

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under section 5(c) of the Poultry Products Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective May 1, 1973.

Done at Washington, D.C., on April 27, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-8594 Filed 4-30-73;9:23 am]

Title 32A—National Defense, Appendix

CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR

[Oil Import Reg. 1 (Revision 5), Amdt. 56]

OI REG. 1—OIL IMPORT REGULATION

Miscellaneous Amendments

This amendment 56 amends sections 22 and 30 and adds new sections 32, 33, 34, and 35. The amended and new sections conform to the Presidential proclamation of April 18, 1973, which modified proclamation 3279, as amended.

Section 22 has been amended to incorporate the revised definitions in the amended proclamation and includes a definition of motor gasoline to enable identification of such material included under the license fee schedule established by the proclamation. The definition of a "petrochemical plant" contained in this section has been amended to provide that for the purposes of this regulation, methane may constitute only 50 percent or less of the petrochemicals produced by chemical reaction of each separate feedstock stream in such a facility.

Amended section 30 makes available 50,000 barrels/day of imports into district I of No. 2 fuel oil for allocation to eligible persons. Licenses previously issued pursuant to Amendatory Proclamation No. 4175 are rendered null and void and are to be returned to the director. The Western Hemisphere preference requirement has been suspended.

New section 32 establishes, under jurisdiction granted by the proclamation, a system of fees for licenses under allocations of imports of crude oil, unfinished oils and finished products into districts I–IV, district V, and Puerto Rico over the levels of imports established by the proclamation, to any person wishing to import such petroleum products. It provides also for refunds of license fees paid for imports of crude oil or unfinished oils to the extent that such oils have been incorporated into petrochemicals or finished products subsequently exported or that asphalt as defined in this regulation was produced.

Section 33 provides for making allocations for the January 1, 1973, through December 31, 1973, allocation period into district V of imports of crude oil and unfinished oils from Canada among eligible persons having refinery capacity in this district.

Section 34 provides for making allocations for the January 1, 1973, through December 31, 1973, allocation period into districts I–IV of imports of crude oil produced in Mexico and unfinished oils which have been derived from crude oil and natural gas liquids produced in Mexico among eligible persons having refinery capacity in these districts.

Section 35 establishes a procedure for making allocations for the January 1, 1973, through December 31, 1973, allocation period of imports of Canadian natural gas products derived from Canadian natural gas among eligible persons in districts I–IV.

In view of the fact that these regulations are required to become effective on May 1, 1973, in order to implement certain provisions of proclamation 3279, as it was amended by proclamation 4210 (38 FR 9645) which are effective May 1, 1973, an emergency exists which requires that the procedure of their publication under notice of proposed rulemaking be

waived and that such regulations shall become effective May 1, 1973.

STEPHEN A. WAKEFIELD,
Assistant Secretary of the Interior.

Approved April 27, 1973.

WILLIAM E. SIMON,
Deputy Secretary of the Treasury.

1. Section 22 of Oil Import Regulation 1 (revision 5) is amended to read in its entirety as follows:

Sec. 22 Definitions.

As used in this regulation:

(a) "Person" includes an individual, a corporation, firm, or other business organization or legal entity, and an agency of a State, territorial, or local government, but does not include a department, establishment, or agency of the United States.

(b) "District I" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

(c) "Districts II–IV" means all of the States of the United States except those States within district I and district V.

(d) "Districts I–IV" means the District of Columbia and all of the States of the United States except those States within district V.

(e) "District V" means the States of Arizona, Nevada, California, Oregon, Washington, Alaska, and Hawaii.

(f) "Crude oil" means a mixture of hydrocarbons that existed in natural underground reservoirs and which is liquid at atmospheric pressure after passing through surface separating processes and does not include natural gas products. It includes the initial liquid hydrocarbons produced from tar sands, gilsonite, and oil shale.

(g) "Finished products" means any one or more of the following petroleum oils, or a mixture or combination of such oils, or any component or components of such oils which are to be used without further processing by any one or more of the processes described in subparagraphs (1) through (3) of paragraph (h) of this section, and which, as of January 1, 1973, under the "Tariff Schedules of the United States," were not subject to a duty of more than $0.01 per pound of the hydrocarbons therein contained:

(1) The term "liquefied gases" means the following liquefied or liquefiable gases, namely, ethane, propane, butanes, ethylene, propylene, and butylenes which are derived by refining or other processing of natural gas, crude oil, or unfinished oils.

(2) "Gasoline" means a refined petroleum distillate, including naphtha, jet fuel or other petroleum oils (but not isoprene or cumene having a purity of 50 percent or more by weight, or benzene which meets the ASTM distillation standards for nitration grade) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, and having a boiling range at atmospheric pressure from 80° to 400° F.

(3) "Kerosene" means any jet fuel, diesel fuel, fuel oil, or other petroleum oils derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure from 400° to 550° F.

(4) "Distillate fuel oil" means any fuel oil, gas oil, topped crude oil, or other petroleum oils, derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure from 550° to 1,200° F.

(5) "Residual fuel oil" means a petroleum oil, which is (i) any topped crude or viscous residuum of crude or unfinished oils or one or more of the petroleum oils defined in subparagraphs (2) through (4) of this paragraph (g), which has a viscosity of not less than 45 seconds Saybolt Universal at 100° F. to be used as fuel without further processing other than by mechanical blending or (ii) crude oil to be used as fuel without further processing other than by blending by mechanical means.

(6) "Asphalt" means a solid or semi-solid cementitious crude oil or derivative of crude oil, 50 percent or more of the constituents of which are bitumins, which is not to be used as fuel and which is to be used without further processing except air blowing or blending by mechanical means.

(7) "Lubricating oils" means any lubricant containing more than 50 percent by volume of refined petroleum distillates or specially treated petroleum residuum.

(8) "Natural gas products" means liquids (under atmospheric conditions), including natural gasoline, which are recovered by process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a reservoir and which, when recovered and without processing in a refinery or other plant, fall within any of the definitions of products contained in subparagraphs (2) through (4) of this paragrauh (g).

(9) "Motor gasoline" means gasoline meeting the following specifications:

	Minimum	Maximum
Gravity ASTM D287	56.3	67.7
Distillation ASTM D86, ° F. at 10 percent D&L	103	135
Distillation ASTM D86, ° F. at 50 percent D&L	185	233
Distillation ASTM D86, ° F. at 90 percent D&L	301	358
Reid vapor pressure lb/in² ASTM D325	7.5	13.2
Octane, research ASTM D908	83.1	103.3
Motor ASTM D357	79.5	99.6
Appearance—clear and bright		

(h) "Unfinished oils" means one or more of the petroleum oils listed in subparagraphs (1) through (4) and subparagraph (8) of paragraph (g) of this section or a mixture or combination of such oils, or any component or components of such oils, which are to be further processed in one or more of the following ways:

(1) By distillation with a resulting yield of at least two distinct finished products or unfinished oils, two of which must be equal to not less than 10 percent of the total charge of such imported unfinished oils to a distillation unit. Different grades or specifications of finished products or unfinished oils will not constitute distinct finished products or unfinished oils for purposes of this subparagraph. Distillation of petroleum oils which have been reconstituted by blending of two or more finished products or unfinished oils does not constitute processing for the purposes of this subparagraph.

(2) By catalytic or thermal conversion in process units such as alkylation, coking, cracking, hydrofining, hydrodesulfurization, polymerization, isomerization, dehydrogenation, or reforming.

(3) By physical separation established by means of solvent dewaxing, solvent deasphalting, solvent extraction, or extractive distillation.

(i) As used in paragraphs (g) and (h) of this section, the term "petroleum oil" includes only hydrocarbons derived from crude oil or natural gas.

(j) The term "imports" includes both entry for consumption and withdrawal from warehouse for consumption.

(k) "Director" means Director, Office of Oil and Gas, Department of the Interior, or his duly authorized representative.

(l) (1) Except as provided in subparagraph (2) of this paragraph, "refinery inputs" means feedstocks charged to refinery capacity and include only:

(i) Crude oil,

(ii) Unfinished natural gas products, and

(iii) Unfinished oils imported pursuant to

an allocation if, and only if, (*a*) such imported unfinished oils are processed in a distillation unit with a resulting yield of at least two distinct finished products or unfinished oils, two of which must be equal to not less than 10 percent of the total charge of such imported unfinished oils to the distillation unit, or (*b*) such imported unfinished oils are subjected in catalytic or thermal conversion units to such processes as alkylation, coking, cracking, hydrofining, hydrodesulfurization, polymerization, isomerization, reforming, or (*c*) such imported unfinished oils are processed by solvent dewaxing or solvent deasphalting or extractive distillation. Different grades or specifications of finished products or unfinished oils will not constitute distinct finished products or unfinished oils for the purposes of subdivision (iii) (*a*) of this subparagraph.

(2) "Refinery inputs" do not include inputs of unfinished oils imported pursuant to paragraph (b) of section 2 of Proclamation 3279, as amended.

(m) "Refinery capacity" means a plant which:

(1) Includes equipment for separating or converting hydrocarbons to finished products or unfinished oils;

(2) Uses crude oil as the predominant feedstock; and

(3) Converts for plant use in heating or generating power or for sale, not less than 70 percent by weight of total refinery inputs into at least two separate and distinct finished products other than liquefied gases, each of which falls in a different one of the categories specified in subparagraphs (2) through (8) of paragraph (g) of this section—that is, gasoline, jet fuel, naphtha, fuel oil, lubricating oil, residual fuel oil or asphalt—and each of which must be equal to not less than 4 percent by weight of total refinery inputs. Different grades or specifications of a finished product will not constitute separate and distinct finished products for the purpose of this definition.

(n) "Deepwater terminal" means permanent land installation which:

(1) Consists of bulk storage tanks having not less than 100,000 barrels of operational capacity, pumps, and pipelines used for storage, transfer, and handling of residual fuel oil;

(2) Is adjacent to waterways that permit the safe passage to the installation of a tanker rated 15,000 cargo deadweight tons; and

(3) Has a berth that will permit the delivery of residual fuel oil to be used as fuel into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represents the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores, and other items necessary for use on a voyage.

(o) "Petrochemical plant" means a facility or plant complex:

(1) Which includes equipment for converting hydrocarbons to petrochemicals by chemical reaction;

(2) Which manufactures for plant use or sale one or more separate and distinct petrochemicals by chemical conversion of each separate petrochemical plant input feedstock stream which is claimed by an applicant as a basis for obtaining an allocation; and

(3) In which more than 50 percent by weight of each separate feedstock stream is converted by chemical reaction into petrochemicals of which petrochemicals methane is not more than 50 percent by weight, or in which over 75 percent by weight of recovered product output of each separate feedstock stream consists of petrochemicals which were converted by chemical reaction from such inputs but of which output not more than 50 percent by weight is methane.

(p) "Petrochemical plant inputs" means feedstocks charged to a petrochemical plant,

(1) And include only:

(i) Crude oil,

(ii) Unfinished oils (except those unfinished oils specifically excluded in subparagraph (2) of this paragraph) produced in districts I–IV and district V, and unfinished oils imported pursuant to an allocation;

(2) But do not include:

(i) Unfinished oils which are produced in a petrochemical plant in the manufacture of petrochemicals and subsequently charged to a unit which is a part of the same petrochemical plant in which they were produced or to any other petrochemical plant which is owned or controlled by the same person who claims the initial petrochemical plant inputs from which the unfinished oils are derived.

(ii) Unfinished oils which are obtained by transactions such as sales, purchases, or exchanges which are designed to avoid the exclusion specified in subdivision (i) of this subparagraph (2), and

(iii) Benzene or toluene or any xylene derived from crude oil, liquefied gases, or natural gas products which meet the distillation specification of the ASTM standard specifications for that chemical but which subsequently has been recycled and mixed with other hydrocarbons, commingled, or purposely debased.

2. Section 30 of Oil Import Regulation 1 (revision 5), as amended, to read in its entirety as follows:

Sec. 30 Allocations of No. 2 fuel oil—district I.

(a) For the purposes of this section:

(1) The term "No. 2 fuel oil" means a finished product which has the following physical and chemical characteristics:

Closed cup flashpoint, degrees Fahrenheit	Minimum 100
Pour point, degrees Fahrenheit	Maximum 20
Water and sediment, percent	Maximum 0.10
Carbon residue on 10 percent residuum percent	Maximum 0.35
Distillation temperature degrees Fahrenheit, 90 percent point	Maximum 675 Minimum 540
Viscosity, saybolt universal seconds at 100° F	Maximum 40.0 Minimum 33.0
Gravity API	Minimum 30.0

(2) The term "Western Hemisphere" means North America, Central America, South America, and the West Indies.

(3) The term "deepwater terminal" means a permanent land installation which:

(i) Consists of bulk storage tanks having not less than 100,000 barrels of operational capacity, pumps, and pipelines used for storage, transfer, and handling of No. 2 fuel oil;

(ii) Is on waterways that permit the safe passage to the installation of a tanker rated 15,000 cargo deadweight tons, drawing not less than 25 feet of water; and

(iii) Has a berth that will permit the delivery of No. 2 fuel oil into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores, and other items necessary for use on a voyage.

(4) The term "throughput agreement" means a written agreement which provides for the delivery to a deepwater terminal by a person of No. 2 fuel oil which he owns at the time of delivery to the terminal and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. Any transaction between persons involving sales, purchases, or exchanges of No. 2 fuel oil which were designed to gain allocation benefits for a person who would not otherwise be eligible shall not be deemed to constitute a throughput agreement.

(b) (1) For the allocation period January 1, 1973, through December 31, 1973, and in each succeeding allocation period, 50,000 barrels per day of imports of No. 2 fuel oil, which is manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere,[1] will be available for allocations in district I to eligible persons having qualified terminal inputs of No. 2 fuel oil in this district.

(2) On September 1 of each year that this suspension continues, the Deputy Secretary of the Treasury, in accordance with his surveillance responsibilities, shall examine the imports by deepwater terminal operators to determine whether Western Hemisphere imports have equaled 18,250,000 total barrels or exceeded the equivalent of 50,000 barrel per day on an annual basis, and, if not, whether supply, price, and other considerations warrant reimposition of the Western Hemisphere preference requirements. He shall so advise the Secretary who shall then take such steps as are necessary to insure that, to the extent available, license-fee-exempt imports of No. 2 fuel oil from Western Hemisphere sources shall equal the annual equivalent of this amount.

(c) (1) Except as provided in subparagraph (2) of this paragraph, a person shall be eligibile for an allocation of imports into district I of No. 2 fuel oil under paragraph (e) of this section:

(i) If he is in the business in district I of selling No. 2 fuel oil, has under his management and operational control a deepwater terminal which is located in district I and in which No. 2 fuel oil is handled, does not have a crude oil import allocation into districts I–IV under section 9, 10, or 25 of this regulation and who in the allocation period beginning prior to January 1, 1973, had received an allocation of imports into district I of No. 2 fuel oil.

[1] The Chairman of the Oil Policy Committee has advised that, because of supply, price, and other considerations, he finds that the requirement, contained in section 2(a)(1) of Proclamation 3279, as amended, that No. 2 fuel oil be manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere, is unduly restricting the availability of such oil for importation into District I and is not required for the national security. Accordingly, such requirement is hereby suspended.

(ii) If he is in the business in district I of selling No. 2 fuel oil and has a throughput agreement with a deepwater terminal operator in district I who does not have a crude oil import allocation into districts I–IV under section 9, 10, or 25 of this regulation and who in the allocation period beginning prior to January 1, 1973, had received an allocation of imports into district I of No. 2 fuel oil.

(2) No person who has an allocation of imports into districts I–IV of crude oil under section 9, 10, or 25 of this regulation shall be eligible for an allocation under paragraph (e) of this section.

(d) A person seeking an allocation for the allocation period beginning January 1, 1973, under paragraph (e) of this section must file an application with the Director, on such form as he may prescribe, no later than 7 days after publication of this section in the FEDERAL REGISTER, unless such application has been previously filed. The application shall disclose such information as the Director may deem necessary in such detail as he may require. For succeeding allocation periods, applications shall be filed as required by section 5 of this regulation.

(e) (1) For the allocation period January 1, 1973, through December 31, 1973, and in each succeeding allocation period, each eligible applicant under this section shall receive an allocation of imports into district I of No. 2 fuel oil equal to the quantity allocated to him in the allocation period beginning January 1, 1973. Any such allocations previously distributed to applicants now ineligible shall be distributed, as fairly as shall be practicable, among remaining eligible applicants.

(2) The Director shall provide that each license issued under an allocation made pursuant to this paragraph (e) shall expire on the last day (December 31) of the allocation period.

(3) Licenses previously issued pursuant to Amendatory Proclamation No. 4175 are null and void and shall be returned to the Director.

(f) (1) An eligible applicant may count as qualified terminal inputs quantities of No. 2 fuel oil:

(i) Which were delivered during the base period into a deepwater terminal in district I which was under his management and operational control or into a deepwater terminal with which the eligible applicant had a throughput agreement before the oil was delivered, if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deepwater terminal in district I; or

(ii) Which the applicant owned, sold to a Federal agency or to an agency of a State or a political subdivision of a State and delivered during the base period to a deepwater terminal in disrtict I for the account of such agency, providing such delivery constituted the first delivery of that oil to a deepwater terminal in district I; or

(iii) Which was delivered to applicant's deepwater terminal in district I as a first delivery into a deepwater terminal in district I under a written agreement to purchase such oil and to which, pursuant to such agreement, the applicant took title, during the base period upon its withdrawal by him from the terminal.

(2) For the purpose of this paragraph (f), storage of No. 2 fuel oil at a refinery in which the oil was produced or delivery of No. 2 fuel oil into a deepwater terminal under the management and operational control of a person who has an allocation of imports of crude oil into districts I–IV, district V, or Puerto Rico under section 9, 10, 11, 15, or 25 of this regulation shall not be deemed to be a first delivery to a deepwater terminal in district I.

(g) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. Except as provided in paragraph (h) of this section, licenses issued under allocations made pursuant to this section shall permit the importation only of No. 2 fuel oil. No. 2 fuel oil imported under an allocation made pursuant to this section shall be sold for use as fuel in district I.

(h) A person holding an allocation under this section may obtain from the Director a license which will permit him to import crude oil into districts I–IV in quantity not exceeding the amount of such allocation, upon a certification to the Director, in such form as he may prescribe, that the allocation holder has entered into an agreement with a refiner in districts I–IV under which the allocation holder will receive No. 2 fuel oil (in a ratio of not less than 1 barrel of No. 2 fuel oil for each barrel of crude oil) in exchange for such crude oil so that an amount of No. 2 fuel oil at least equal to that covered by the license will be used in district I. Any license so issued shall be charged against the allocation made under this section. No such crude oil license may be sold, assigned, or otherwise transferred. However, settlements, credits, and accounting adjustments reflecting the relative values of No. 2 fuel oil and the crude oil involved in the exchange are permissible.

3. A new section 32, reading as follows, is added to Oil Import Regulation 1 (revision 5):

Sec. 32 Allocations and fee-paid licenses for import of crude oil, unfinished oils and finished products-districts I–IV, district V, Puerto Rico.

(a) Effective May 1, 1973, any person wishing to import crude oil, unfinished oils, or finished products into districts I–IV, district V, or Puerto Rico may do so by filing an application with the Director of the Office of Oil and Gas, in such form as the Director may prescribe.

(b) Allocations and licenses under this section will, to the fullest practicable extent, be made and issued by the Director within 10 days after his receipt of applications therefor. In no event will allocations be made and licenses issued by the Director within less than 5 days after his receipt of applications therefor.

(c) Applications for allocations and licenses under this section, to be issued at the rates prescribed in this section for a particular period and postmarked not later than midnight of the date upon which such period expires, will qualify for issuance at the rate for the period in effect at the time the application was mailed. Any application for an allocation under this section postmarked later than midnight of the date upon which such period expires may at the option of the applicant, be subject to the license fee applicable during the following license fee period or withdrawn. If the date upon which the period expires is a Saturday, Sunday, or holiday, the application will nevertheless qualify if it is postmarked not later than midnight of the next succeeding business day.

(d) No refunds will be made by reason of the vacation of or inability to use all or part of an allocation and license or licenses issued thereunder.

(e) Separate licenses will be issued for crude oil, motor gasoline, and for all other finished products and unfinished oils.

(f) Applications for allocations under this section shall be accompanied by the applicant's certified check or a cashier's check payable to the order of the Treasurer of the United States for the full amount of the license fee chargeable pursuant to paragraph (k) of this section. Applications not accompanied by a certified or cashier's check in the amount required will not be considered.

(g) Allocations and licenses for imports of crude oil, unfinished oils and finished products made under this section shall be valid for 6 months following the date of their issuance.

(h) License fees paid for imports of crude oil or unfinished oils will be refunded to the extent that such crude oils or unfinished oils have been incorporated into petrochemicals as defined in section 9A of this Regulation which are subsequently exported, or finished products subsequently exported or that asphalt as defined in this regulation was produced from the imported feedstocks. Applications for refunds must be filed in such form as the Director may prescribe not later than 90 days after exportation of the petrochemical or finished product or manufacture of the asphalt to which such application pertains; and shall be accompanied by all information necessary in the judgment of the Director to enable him to determine the sum, if any, which should be refunded.

(i) License fees paid for imports of crude oil, unfinished oils, or finished products will be refunded to the extent that they reflect volume adjustments made subsequent to entries made against the license at the time of importation, such as corrections made by Customs of contained basic sediment and water, corrections of mistakes made in calculating tank volumes, or corrections of mistakes made in calculating volumes to standard temperature. Applications for such refunds must be filed in such form as the Director may prescribe, not later than 90 days after the date of the last entry of imports made against the license.

(j) In the event the volume of a particular shipment of crude oil, unfinished oils, or finished products being imported pursuant to a license to which a license fee is applicable exceeds the volume stated on the license against which the material is being imported by 5 percent or less the District Director of Customs may permit the entry of the excess without license. The importer, however, must within 10 days of such entry remit payment to the Director, of the Office of Oil and Gas by certified check or a cashier's check payable to the order of the Treasurer of the United States for the fee on the excess entered without license at the same rate such fee was paid for the license.

(k) Fees payable for licenses issued under allocations of imports of crude oil, unfinished oils and finished products pursuant to this section shall be according to the following schedule:

CENTS PER BARREL

Period beginning	May 1, 1973	Nov. 1, 1973	May 1, 1974	Nov. 1, 1974	May 1, 1975	Nov. 1, 1975
Crude	10½	13	15½	18	21	21
Motor Gasoline	52	54½	57	59½	63	63
All other finished products and unfinished oils (except ethane, propane, and butanes)	15	30	30	42	52	63

4. A new section 33, reading as follows, is added to Oil Import Regulation 1 (revision 5):

Sec. 33 Canadian imports, district V.

(a) For the allocation period January 1, 1973, through December 31, 1973, the Director shall allocate, as provided in paragraph (c) of this section, approximately 280,000 average barrels daily of Canadian imports into district V less the amount imported in the period from January 1, 1973, through April 30, 1973, among eligible persons having refinery capacity in this district.

(b) As used in this section, the term "Canadian imports" means imports from Canada of crude oil which has been produced in Canada and unfinished oils except ethane, propane, and butanes which have been derived from crude oil or natural gas liquids produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

(c) The Director shall make to each eligible applicant an allocation of Canadian imports into district V for the calendar year 1973 and subsequent allocation periods equal to his estimated required Canadian imports, as submitted to the Director, Office of Oil and Gas, for use in computation of the 1973 supply/demand gap in district V less the amount of Canadian imports imported into district V by such person during the period January 1, 1973, through April 30, 1973.

(d) Each eligible applicant shall make application for an allocation by letter duly signed by an officer of the company, (1) confirming the estimated imports referred to in paragraph (c) of this section, and (2) certifying as to the amount of Canadian imports imported or to be imported by him into district V during the period from January 1, 1973, through April 30, 1973.

(e) No allocation made pursuant to this section shall be sold, assigned, or otherwise transferred.

(f) Entries for consumption of imports from Canada by pipeline may be made until midnight January 15 of the calendar year following the calendar year in which the license was issued.

5. A new section 34, reading as follows, is added to Oil Import Regulation 1 (revision 5):

Sec. 34 Mexican imports, districts I–IV and district V.

(a) For the allocation period January 1, 1973, through December 31, 1973, the Director shall allocate, as provided in paragraph (c) of this section, approximately 32,500 average barrels daily of Mexican imports into districts I–IV and district V less the amount imported in the period from January 1, 1973, through April 30, 1973, among eligible persons having refinery capacity in these districts.

(b) As used in this section, the term "Mexican imports" means imports from Mexico of crude oil which has been produced in Mexico and unfinished oils except ethane, propane, and butanes which have been derived from crude oil or natural gas liquids produced in Mexico.

(c) The Director shall make allocations to each eligible applicant for the calendar year 1973 and subsequent allocation periods on the basis of the pro rata share of Mexican imports made by each applicants during the calendar year 1972, relative to the total of all Mexican imports made by all applicants during the calendar year 1972 less the amounts of Mexican imports imported by such person during the period January 1, 1973, through April 30, 1973.

(d) Each eligible applicant shall make application for an allocation by letter duly signed by an officer of the company, (1) confirming the estimated imports referred to in paragraph (c) of this section and (2) certifying as to the amount of Mexican imports imported into districts I–IV or district V during the period from January 1, 1973, through April 30, 1973.

(e) No allocation made pursuant to this section shall be sold, assigned, or otherwise transferred.

6. A new section 35, reading as follows, is added to Oil Import Regulation 1 (revision 5):

Sec. 35 Imports of Canadian natural gas products—districts I–IV.

(a) For the allocation period January 1, 1973, through December 31, 1973, and subsequent allocation periods the Director shall in accordance with paragraph (c) of this section make allocations for the importation into districts I–IV of natural gas products derived from Canadian natural gas.

(b) To be eligible for an allocation of imports under paragraph (c) of this section, a person must have imported Canadian natural gas products into districts I–IV during the calendar year 1972.

(c) The Director shall make allocations of imports aggregating not more than 113,000 average barrels daily of Canadian natural gas products into districts I–IV less the aggregate of the amount imported in the period from January 1, 1973, through April 30, 1973, to eligible persons in accordance with the following formula:

$$\frac{\text{Eligible applicant's imports of Canadian natural gas products imported in 1972}}{\text{Total of Canadian natural gas products imported by all eligible applicants in 1972}} \times 113{,}000\text{B}/4 \times 365 - \text{Barrels of Canadian natural gas products imported by the applicant during the period January 1, 1973, through April 1, 1973}$$

(d) Applications for allocation under this section shall be made by letter or telegram to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Applications must be received by the Director on or before May 1, 1973. Applications must include a statement of the imports of Canadian natural gas products made into districts I–IV by the applicant during the calendar year 1972 and must be certified by an officer of the applicant. An officer of the applicant must also certify to the amount of Canadian natural gas products that the applicant imported during the period from January 1, 1973, through April 30, 1973.

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Proposed Rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-375]

IRISH POTATOES GROWN IN RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Decision and Referendum Order With Respect to Proposed Marketing Agreement and Order

This decision finds that the proposed marketing agreement and order program for potatoes grown in the Red River Valley is needed and should be adopted. The referendum order directs that a referendum be conducted among potato producers in the production area to determine whether such producers favor issuance of the proposal.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR part 900), a public hearing was held at Grand Forks, N. Dak., November 29–30, 1972, pursuant to notice thereof which was published in the October 26, 1972, issue of the FEDERAL REGISTER (37 FR 22878), on a proposed marketing agreement and order to authorize regulation of the handling of potatoes grown in the Red River Valley production area.

On the basis of the evidence presented at the hearing and the record thereof, a recommended decision in this proceeding was filed on March 21, 1973, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof was published in the March 27, 1973, issue of the FEDERAL REGISTER (38 FR 7988). The notice allowed interested persons until April 9, 1973, for filing exceptions thereto. No exceptions were received.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (38 FR 7988) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Marketing agreement and order.—Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in the Red River Valley of North Dakota and Minnesota" and "Order Regulating the Handling of Irish Potatoes Grown in the Red River Valley of North Dakota and Minnesota," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order.—Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who, during the period May 1, 1972, through April 30, 1973 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged within the production area, in the production of potatoes for market, to ascertain whether such producers favor the issuance of the said annexed order.

Robert B. Case and Francis N. Andary of the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, are hereby designated as referendum agents of the Secretary to conduct said referendum severally or jointly. The said agents may appoint subagents to assist them in performing their functions hereunder.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

If any eligible voter does not receive a ballot together with the complete text of the proposed marketing order by the beginning date of the referendum he may obtain same from Robert B. Case, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 365, 721 19th Street, Denver, Colo. 80202, or from the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

It is hereby ordered, That this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated April 26, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

Order[1] *Regulating the Handling of Irish Potatoes Grown in the Red River Valley of North Dakota and Minnesota*

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

MISCELLANEOUS PROVISIONS

.47 Right of the Secretary.
.48 Duration of immunities.
.49 Agents.
.50 Derogation.
.51 Personal liability.
.52 Separability.
.53 Amendments.

AUTHORITY.—Sections 0 to 53, inclusive, issued pursuant to secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ ___.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.*—Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR part 900), a public hearing was held at Grand Forks, N. Dak., November 29–30, 1972, upon a proposed marketing agreement and order to authorize regulation of the handling of potatoes grown in the Red River Valley of North Dakota and Minnesota. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The marketing order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing order authorizes regulation of the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which a hearing has been held.

(3) The said marketing order is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of potatoes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of potatoes grown in the production area, as defined in said marketing order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order relative to handling.—It is therefore ordered that on and after the effective time hereof the handling of potatoes grown in the production area as defined herein shall be in conformity to, and in compliance with, the terms and conditions of this order, and such terms and conditions are as follows:

DEFINITIONS

§ ___.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the U.S. Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ ___.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, as amended, 7 U.S.C. 601–674).

§ ___.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ ___.4 Production area.

"Production area" means all territory included within the boundaries of the Counties of Towner, Ramsey, Cavalier, Pembina, Walsh, Grand Forks, Nelson, Steele, Traill, Cass, and Richland of the State of North Dakota, and of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnomen, Clay, Becker, Wilkin, and Otter Tail of the State of Minnesota.

§ ___.5 Potatoes.

"Potatoes" means all varieties of Irish potatoes grown within the production area.

§ ___.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or causes potatoes to be handled.

§ ___.7 Handle.

"Handle" means to sell, ship, transport, or in any other way to place potatoes, or cause potatoes to be placed, in the current of commerce between the production area and any point outside thereof; or from a wash plant or packing house specified by the committee outside the production area to any other point.

§ ___.8 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of potatoes for market.

§ ___.9 Fiscal period.

"Fiscal period" means the period beginning on August 1 of each year and ending July 31 of the following year, or such other period as the Secretary may establish pursuant to recommendation of the committee.

§ ___.10 Grading.

"Grading" is synonymous with "preparing for market" which means the sorting or separating of potatoes into grades and sizes for market purposes.

§ ___.11 Grade and size.

"Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes as defined and set forth in:

(a) The U.S. Standards for Potatoes issued by the U.S. Department of Agriculture (§§ 51.1540 to 51.1566 of this title) or amendments thereto or modifications thereof, or variations based thereon;

(b) U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421 to 52.2433 of this title) or amendments thereto or modifications thereof, or variations based thereon;

(c) U.S. Standards for Grades of Seed Potatoes (§§ 51.3000 through 51.3014 of this title), or amendments thereto or modifications thereof, or variations based thereon; and

(d) State standards for potatoes issued by the State in which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ ___.12 Varieties.

"Varieties" means all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the U.S. Department of Agriculture.

§ ___.13 Seed potatoes.

"Seed potatoes" or "seed" means all potatoes officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State in which the potatoes were grown or other seed certification agencies which the Secretary may recognize.

§ ___.14 Pack.

"Pack" means a quantity of potatoes in any type of container and which falls within specific weight limits or within specific grade and/or size limits or any combination thereof, recommended by the committee and approved by the Secretary.

§ ___.15 Container.

"Container" means a sack, bag, crate, box, basket, barrel, bulk load, or other receptacle used in the packaging, transportation, sale, or other handling of potatoes.

§ ___.16 Committee.

"Committee" means the Red River Valley Potato Committee, established pursuant to § ___.20.

§ ___.17 District.

"District" means each of the geographical divisions of the production area established pursuant to § ___.27.

§ ___.18 Export.

"Export" means shipment of potatoes beyond the boundaries of the continental United States.

COMMITTEE

§ ___.20 Establishment and membership.

(a) The Red River Valley Potato Committee consisting of 14 members, all of whom shall be producers, is hereby established.

(b) Each person selected as a committee member or alternate shall be a producer or an officer or employee of a

producer in the district for which selected and each such person shall be a resident of the production area.

(c) For each member of the committee there shall be an alternate who shall have the same qualifications as the member. An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and has qualified.

§ ___.21 Selection.

(a) Committee members and alternates shall be selected by the Secretary on the basis of districts as established pursuant to § ___.27. Selection of committee members for districts shall be as follows: Two members for each of Districts 1, 2, 3, 4, and 7; and one member for each of Districts 5, 6, 8, and 9.

(b) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within the time he specifies.

§ ___.22 Term of office.

(a) The term of office of committee members and alternates shall be 2 years beginning August 1 and ending July 31, or such other date as the Secretary may approve upon recommendation of the committee, except that of the initial 14 members selected, seven shall serve for a term ending on the second July 31 following their selection and seven shall serve for a term ending on the first July 31 following their selection. Each of the initial 14 alternate members shall be selected to serve for the same term of office as the respective member from each district. No member shall serve for more than three consecutive terms.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ ___.23 Procedure.

(a) Ten members of the committee shall be necessary to constitute a quorum and 10 concurring votes shall be required to pass any motion or approve any committee action or such other numbers as may be approved by the Secretary pursuant to recommendation of the committee. In assembled meetings, all votes shall be cast in person.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication. Any vote cast at such meeting shall be confirmed promptly in writing.

§ ___.24 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ ___.25 Duties.

It shall be the duty of the committee:

(a) At the beginning of each fiscal period, to meet and organize, to select from among its members a chairman, and such other officers and subcommittees as may be necessary, and to adopt such rules, regulations and bylaws for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler, and to receive and consider complaints or petitions from producers with respect to marketing problems under this program. A petition to the committee signed by 50 percent of the producers of a variety, or 30 producers, whichever is smaller, shall be considered by the committee within 5 working days after receipt.

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the compensation and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary.

(f) To keep minutes, books, and records which clearly reflect all the acts and transactions of the committee; and to furnish the Secretary promptly two copies of the minutes of each committee meeting and two copies of the annual report of the committee's operations.

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To prepare periodic statements of the financial operations of the committee and to cause the books of the committee to be audited by a competent public accountant at least once each fiscal period, and at such other times as the committee may deem necessary or as the Secretary may request. These reports shall show the receipt and expenditure of funds collected pursuant to this subpart; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

§ ___.26 Expenses and compensation.

Committee members and their respective alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart. In addition, they may receive reasonable compensation at a rate recommended by the committee and approved by the Secretary.

§ ___.27 Districts.

(a) For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby initially established:

District No.		Number of members
	NORTH DAKOTA COUNTIES	
1	Pembina, Cavalier, Towner and Ramsey.	2
2	Walsh, east of Highway 18	2
3	Walsh, west of Highway 18	2
4	Grand Forks	2
5	Traill, Steele, Richland, Cass, and Nelson.	1
	MINNESOTA COUNTIES	
6	Kittson, Marshall, and Pennington.	1
7	Red Lake and Polk, west of Highway 32.	2
8	Norman, Mahnomen, and Polk, east of Highway 32.	1
9	Clay, Otter Tail, Wilkin, and Becker.	1

(b) Redistricting. The Secretary, upon recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts. In recommending any such changes in districts, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative positions of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part, (4) the equitable relationship between the committee membership and districts and (5) other relevant factors: *Provided*, That there shall be no change in the total number of committee members or in the total number of districts. No change in districting may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting may be made within less than 6 months prior to such date.

§ ___.28 Nominations.

The Secretary may select the members of the Red River Valley Potato Committee and their respective alternates from nominations which may be made in the following manner, or from other eligible persons:

(a) Nominations for members and alternates of the committee may be submitted by producers, or groups thereof, on an elective basis or otherwise.

(b) In order to provide nominations for committee members and alternates:

(1) The committee shall hold, or cause to be held, nominations by mail or at assembled meetings of producers to fill expiring terms in each district. Such nominations shall be held prior to July 1 of each year, or by such other date as may be approved by the Secretary;

(2) In arranging for such nominations, the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following July 31;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than July 1 of each year, or such other date as may be approved;

(5) Only producers who reside within the production area may participate in designating nominees for committee members and their alternates;

(6) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(c) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this part.

§ ___.29 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § ___.28, or from previously unselected nominees on the current nominee list from the district involved or from other eligible persons. If the names of nominees to fill any vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § ___.27.

EXPENSES AND ASSESSMENTS

§ ___.30 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each handler's pro rata share of such expenses shall be proportionate to the ratio between the total quantity of assessable potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of assessable potatoes so handled by all handlers as first handlers thereof during such fiscal period.

§ ___.31 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ ___.32 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided for in this subpart. Each handler who first handles assessable potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied during each fiscal period upon handlers at a rate per unit established by the Secretary. Such rate may be established upon the basis of the committee's recommendations and other available information.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all assessable potatoes which were handled by each first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required irrespective of whether particular provisions of this part are suspended or become inoperative.

§ ___.33 Accounting.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, and records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in his successor, the committee, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations under this part are not in effect, and, if the Secretary determines such action appropriate, he may direct that such person or persons may act as such trustee or trustees.

(d) At the end of each fiscal period funds arising from the excess of assessments collected over expenses shall be accounted for as follows:

(1) The committee, with the approval of the Secretary, may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately one fiscal period's budgeted expenses. Such reserve funds may be used to defray any expenses authorized under this part and to cover necessary expenses of liquidation in the event of termination of this part. If upon such termination any funds not required to defray the necessary expenses of liquidation, and after reasonable effort by the committee it is found impracticable to return such remaining funds to handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

(2) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, it shall be credited or refunded proportionately to the handlers from whom collected.

REGULATION

§ ___.34 Marketing policy.

(a) Prior to each marketing season, the committee shall consider and prepare a policy statement for the marketing of potatoes. In developing its marketing policy, the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations, the committee shall give appropriate considerations to the following:

(1) Market prices of potatoes, including prices by grade, size, quality, and maturity in different packs of fresh potatoes and of the various forms of processed potatoes;

(2) Supplies of potatoes by grade, size, quality, and maturity in the production area and in other production areas, of fresh potatoes, and the supplies of various forms of processed potatoes;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) In the event it becomes advisable to change such marketing policy because of changed supply and demand conditions, the committee shall formulate a revised marketing policy statement in accordance with the appropriate considerations in paragraph (a) of this section.

(c) The committee shall submit a report to the Secretary setting forth such marketing policy. Notice of each such marketing policy and any revision thereof shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be available for examination at the committee office to all interested parties.

§ ___.35 Recommendation for regulation.

The committee shall recommend to the Secretary regulations, or amendments, modifications, suspension, or termination thereof, whenever it finds that such regulations as provided in this subpart in accordance with the marketing policy established pursuant to § ___.34 and that such regulations will tend to effectuate the declared policy of the act.

§ ___.36 Issuance of regulations.

(a) The Secretary shall limit the handling of potatoes whenever he finds from the recommendations and information submitted by the committee that it would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area the handling of particular grades and/or qualities, of any or all varieties of potatoes during any period;

(2) Regulate the handling at specified locations outside the production area of particular grades and/or qualities, of production area potatoes which have been shipped from the production area to such specified locations for grading or storage pursuant to § ___.38;

(3) Regulate the handling of particular grades and/or qualities of any or all varieties differently for different packs during any period;

(4) Regulate the handling of potatoes by establishing in terms of grades, minimum standards of quality; and

(5) Require that containers for potatoes handled shall be labeled to show the grade thereon.

(b) Certified seed potatoes used for seed shall be exempt from regulation. Also, no regulation may be issued which is more restrictive than "U.S. No. 2 grade."

(c) The Secretary may amend any regulation issued under this subpart whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(d) The Secretary shall notify the committee of any such regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ ___.37 Minimum quantities.

The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to this part.

§ ___.38 Shipments for special purposes.

(a) Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate any or all regulations issued pursuant to this part in order to facilitate shipments of potatoes for:

(1) Livestock feed;

(2) Charity;

(3) Export;

(4) Prepeeling;

(5) Certified seed;

(6) Canning, freezing, and other processing;

(7) The shipment of unwashed, uninspected potatoes from the production area to specified wash plants or packinghouses outside the production area for grading, packing, storage, or other handling, provided the receiver of such potatoes agrees to, and complies with, the safeguard provisions of § ___.39; or

(8) Such other purposes as may be specified by the committee with the approval of the Secretary.

(b) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

§ ___.39 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § ___.38 from entering channels of trade other than those specifically authorized.

(b) Safeguards provided by this section may include, but shall not be limited to, requirements that handlers shall:

(1) Apply for and obtain, prior to handling, a special purpose certificate from the committee to make such shipments;

(2) Obtain inspection, pay assessments, or both, on shipments to certain outlets which may be specified by the committee, except on shipments to exempted outlets; or

(3) Register with the committee the name of the receiver so that the committee may establish a list of eligible receivers of exempted potatoes to whom such potatoes may be shipped without the need for more cumbersome procedures.

(c) The Secretary, upon recommendation of the committee, may promulgate rules and regulations governing the issuance and contents of special purpose certificates, also of forms for registration of eligible receivers of exempted potatoes.

(d) The committee may rescind, or deny to any handler the special purpose certificate if proof satisfactory to the committee is obtained that potatoes shipped by him for the purpose stated were handled contrary to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications for such certificates, the number of such applications denied, and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

INSPECTION

§ ___.40 Inspection and certification.

(a) During any period in which the handling of potatoes is regulated pursuant to § ___.36 no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal, or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or

terminated upon recommendation by the committee, and approval by the Secretary.

(c) Upon recommendation of the committee, and approval of the Secretary, all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal, or Federal-State, inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

REPORTS

§ ___.41 Reports and records.

(a) Upon the request of the committee, with the approval of the Secretary, every handler shall furnish to the committee in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its duties under this subpart.

(b) Each handler shall establish and maintain for at least 2 succeeding years such records and documents with respect to potatoes received and potatoes disposed of by him as will substantiate the required reports.

(c) For the purpose of assuring compliance with the recordkeeping requirements and certifying reports filed by handlers, the Secretary and the committee through its duly authorized employees, shall have access to such records.

(d) All such reports shall be held under appropriate protective classification and custody by the committee or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed to any person other than the Secretary, or his authorized agents. Compilations of general reports from data and information submitted by handlers is authorized subject to the prohibition of disclosure of individual handlers identities or operations.

§ ___.42 Compliance.

Except as provided in this subpart, no handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle potatoes except in conformity to the provisions of this subpart.

EFFECTIVE TIME AND TERMINATION

§ ___.43 Effective time.

The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ ___.44 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving a least 1 day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period, produced for market more than 50 percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 50 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ ___.45 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon said trustees.

§ ___.46 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

MISCELLANEOUS PROVISIONS

§ ___.47 Right of the Secretary.

The members of the commitee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ ___.48 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except, with respect to acts done under and during the existence of this subpart.

§ ___.49 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ ___.50 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ ___.51 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with oth-

ers, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ ___.52 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remander of this subpart, or the applicability thereof, to any other person, circumstance, or thing, shall not be affected thereby.

§ ___.53 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[FR Doc.73-8416 Filed 4-30-73;8:45 am]

[7 CFR Part 1079]

[Docket No. AO 295-A26]

MILK IN DES MOINES, IOWA, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Holiday Inn (south), 2101 Fleur Drive, Des Moines, Iowa, beginning at 9:30 a.m. on May 8, 1973, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Des Moines, Iowa, marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative

The proposed amendments, set forth below, have not received the approval of marketing agreement and to the order. the Secretary of Agriculture.

PROPOSED BY MID-AMERICA DAIRYMEN, INC.

PROPOSAL NO. 1

Amend § 1079.10(b) to read as follows:

§ 1079.10 Pool plant.

* * * * *

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 30 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year.

PROPOSAL NO. 2

Add a new paragraph (c) to § 1079.10 as follows:

§ 1079.10 Pool plant.

* * * * *

(c) Any plant which is operated by a cooperative association if:

(1) The operator of such plant requests pool status and 30 percent or more of all the Grade A milk from farms of the member producers of such cooperative including milk diverted by the cooperative is shipped to and physically received at pool distributing plants during the current month or the previous 12-month period ending with the current month either directly from producer member farms or by transfer from such association's plant.

(2) Such a plant does not qualify during the month as a pool plant under another market pool order issued pursuant to the act by making shipments of milk to plants which qualify as pool plants under such other order or:

(3) Such plant meets the requirements of subparagraph (2) of this paragraph and met the requirements of subparagraph (1) of this paragraph in the preceding month.

PROPOSAL NO. 3

Amend § 1079.10 so as to provide that the supply plant shipments to pool distributing plants be based on net receipts at the pool distributing plants for purposes of determining pool status qualification.

PROPOSAL NO. 4

Amend § 1079.14 to provide that 70 percent of the producer milk associated with the market could be diverted from pool plants during each month of the year.

PROPOSAL NO. 4A

Adopt a definition for "marketing period" as follows:

§ 1079.20 Marketing period.

"Marketing period" means the current calendar month.

PROPOSED BY PRAIRIE FARMS DAIRY, INC.

PROPOSAL NO. 5

Amend § 1079.12 to read as follows:

§ 1079.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of its members diverted for its account from a pool plant to a nonpool plant pursuant to § 1079.14;

(d) Any cooperative association with respect to the milk of its members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association. The cooperative association, prior to the first day of the month of delivery, shall notify in writing the market administrator and the handler to whose plant the milk is delivered, that it will be the handler for the milk. For purposes of location adjustments to producers, milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered;

(e) Any person in his capacity as the operator of an unregulated supply plant; and

(f) A producer-handler, or any person who operates another order plant described in § 1079.61.

PROPOSAL NO. 6

Amend § 1079.41(b) to read as follows:

§ 1079.41 Classes of utilization.

* * * * *

(b) *Class II milk.*—Class II milk shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises;

(3) All skim milk and butterfat authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) All skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a)(1)(i) of this section;

(7) Contained in shrinkage of skim milk and butterfat, respectively, prorated pursuant to § 1079.42(b)(1) for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1079.12 (c) and (d) not to exceed the quantities calculated pursuant to subdivisions (i) through (viii) of this subparagraph:

(i) Two percent of receipts of skim milk and butterfat from producers (including receipts by a cooperative association pursuant to § 1079.12 (c) and (d) and milk diverted in bulk tank lots pursuant to § 1079.14; plus

(ii) One and one-half percent of fluid milk products received in bulk from other pool plants; plus

(iii) One and one-half percent of milk received in bulk from cooperative associations in their capacity as handlers pursuant to § 1079.12(d) except that if the handler operating the pool plant files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibration and butterfat test determined from farm bulk tank samples, the applicable percentage shall be 2 percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of bulk transfers of milk to a pool plant of another handler (in the case of a cooperative association selling milk to a handler on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage shall be 2 percent); less

(vii) One and one-half percent of bulk transfers of milk to nonpool plants; less

(viii) One and one-half percent of milk diverted to nonpool plants (in the case of a nonpool plant receiving milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph the percentage shall be 2 percent); and

(8) In shrinkage of skim milk and butterfat assigned pursuant to § 1079.42 (b)(2).

PROPOSAL NO. 7

Amend § 1079.42 to read as follows:

§ 1079.42 Shrinkage.

The market administrator shall:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If other source milk is received at the pool plant, shrinkage at such plant shall be prorated between:

(1) Skim milk and butterfat, respectively, in the amounts of receipts used in the computations pursuant to § 1079.41 (b)(7); and

(2) Skim milk and butterfat in other source milk in bulk fluid form, exclusive of that specified in § 1079.41(b)(7).

PROPOSED BY FARMERS COOPERATIVE CREAMERY ASSOCIATION

PROPOSAL NO. 8

Amend § 1079.10(b) to read as follows:

§ 1079.10 Pool plant.

* * * * *

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 40 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through August, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, June, July, or August to be designated a nonpool plant for such month and for each subsequent month through August of the same year.

PROPOSED BY ANDERSON-ERICKSON DAIRY CO.

PROPOSAL NO. 9

Amend § 1079.41(b)(2) to read as follows:

§ 1079.41 Classes of utilization.

* * * * *

(b) * * *

(2) Skim milk and butterfat disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping. Prior notice shall be waived in the case of an accidental dump if proof of loss is furnished to the market administrator;

* * * * *

PROPOSAL NO. 10

Amend § 1079.12 by adding a new paragraph (d) as follows:

§ 1079.12 Handler.

* * * * *

(d) Any cooperative with respect to producer milk transferred from the producer's farm tank to a truck owned and operated by or under contract to such association for delivery to a pool plant if prior to delivery the operator of the pool plant gives notice in writing to both the market administrator and the association of his intention to purchase such milk on a basis of weights and tests other than as determined from farm tank measurements and farm tank samples.

PROPOSAL NO. 11

Amend § 1079.41(b) by adding two new subparagraphs (7) and (8) as follows:

§ 1079.41 Classes of utilization.

* * * * *

(b) * * *

(7) One and one-half percent of milk received from a cooperative association which is a handler for such milk pursuant to § 1079.12(d);

(8) In shrinkage of skim milk and butterfat, respectively, of milk for which a cooperative association is the handler pursuant to § 1079.12(d), but not in excess of one-half percent of such receipts for which farm weights and butterfat samples are used as the basis of receipt at the plant to which delivered.

PROPOSED BY MEINERZ CREAMERY OF IOWA CORP.

PROPOSAL NO. 12

Amend § 1079.14 to read as follows:

§ 1079.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer: *Provided*, That milk diverted under the conditions set forth in paragraphs (a), (b), and (c) of this section from a pool plant to a nonpool plant for the account of either the operator of such pool plant or a cooperative association shall also be producer milk and shall be deemed to have been received by the diverting handler at the plant to which diverted.

(a) A handler pursuant to § 1079.12(b) may divert for its account without limit during the other days of the month the milk of any member producer whose milk is received at a pool plant for at least one delivery during the month. The total quantity of milk so diverted may not exceed 50 percent in September through March and 100 percent in April through August of the larger of the following amounts:

(1) The total quantity of its member milk received at such plant during the current month, or;

(2) The average daily quantity of its member milk received at such plant during the previous month multiplied by the number of days in the current month.

(b) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any producer other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section whose milk is received at such plant for at least one delivery during the month without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 50 percent in September through March and 100 percent in April through August of the larger of the following amounts:

(1) The total quantity of producer milk received at such plant during the current month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, or;

(2) The average daily quantity of producer milk received at such plant during the previous month multiplied by the number of days in the current month from producers who are not members of a cooperative association which has diverted milk in the current month pursuant to paragraph (a) of this section.

(c) Any milk so diverted by the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1079.12(b) in excess of the limits prescribed pursuant to paragraphs (a) and (b) of this section shall not be producer milk and if the diverting handler fails to designate the dairy farmers whose milk is not producer milk, then no milk diverted by such handler during the month shall be producer milk.

PROPOSAL NO. 13

Consider the revision of the provisions of § 1079.52, location differentials to handlers, with respect to the method of assigning the Class I milk at the transferee plant to the receipts of milk at the transferee plant, for the purpose of determining the portions of such Class I milk that are assigned to shipments from Order 79 transferor plants for the application of location differentials to handlers; and give particular consideration to assigning such Class I milk for such purposes on the basis of prorating such Class I milk among the quantity of producer milk receipts and the quantities received from the individual transferor plants.

PROPOSED BY WAPELLO DAIRIES, INC.

PROPOSAL NO. 14

Amend § 1079.10(a) by deleting the phrase "(except pool plants)"; and by adding a proviso, as follows: "Packaged fluid milk products, except filled milk, that are transferred to a distributing pool plant from a plant with route distribution in the marketing area, and which are classified as Class I under § 1079.44(a), shall be considered as Class I disposition from the transferor plant for the single purpose of qualifying it as a pool plant."

PROPOSED BY WAPELLO DAIRIES, INC., AND MEINERZ CREAMERY OF IOWA CORP.

PROPOSAL NO. 15

Amend § 1079.10 by incorporating therein a proviso, as follows:

"*Provided*, That any plant which qualifies as a pool plant for the current month and fails to meet the pertinent requirements for pool plant status specified in § 1079.10 (except for this proviso) for the subsequent month shall remain a pool plant for such subsequent month."

PROPOSED BY BEATRICE FOOD CO.

PROPOSAL NO. 16

Amend §§ 1079.41 and 1079.42 to read as follows:

§ 1079.41 Classes of utilization.

Subject to the conditions set forth in § 1079.44 the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product except:

(i) As provided in paragraph (b) of this section; and

(ii) Any product fortified with added solids shall be class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(2) Not accounted for as class II milk;

(b) *Class II milk.*—Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of in bulk in the form of a fluid milk product to any commercial food establishment where food products are prepared only for consumption off the premises;

(3) Dumped or disposed of for animal feed;

(4) In inventory of fluid milk products in bulk or package form on hand at the end of the month;

(5) In shrinkage of the skim milk and butterfat, respectively, assigned pursuant to § 1079.42(a) but not in excess of:

(i) Two percent of the receipts of producer milk and milk diverted in bulk tank lots pursuant to § 1079.14 by a pool plant operator;

(ii) Plus 1.5 percent of milk received in bulk tank lots from other pool plants;

(iii) Plus 1.5 percent of milk in bulk tank lots from unregulated supply plants exclusive of the quantity for which class II utilization was requested by the handler;

(6) In shrinkage of skim milk and butterfat assigned pursuant to § 1079.42.

§ 1079.42 Shrinkage.

The market administartor shall pro rate shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk at each pool plant between the following:

(a) The net quantity of producer milk and other fluid products specified in § 1079.41(b)(6); and

(b) Other source milk exclusive of that specified in § 1079.41(b)(5).

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE:

PROPOSAL NO. 17

In §§ 1079.7, 1079.8, 1079.9, and 1079.10 consider adoption of uniform terminology in references to "health authority".

PROPOSAL NO. 18

In § 1079.71(d) amend the term "one-half" to read "not less than one-half".

PROPOSAL NO. 19

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator John B. Rosenbury, 909 Sixth Street NW., Rochester, Minn. 55901, or from the Hearing Clerk, room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on April 26, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-8503 Filed 4-30-73;8:45 am]

[7 CFR Part 1207]

POTATO RESEARCH AND PROMOTION PLAN

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the National Potato Promotion Board, established pursuant to the potato research and promotion plan (7 CFR Part 1207; 37 FR 5008).

This research and promotion program is effective pursuant to the Potato Research and Promotion Act (title III of Public Law 91–670, 91st Cong., approved Jan. 11, 1971, 84 Stat. 2041).

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 May 17, 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)).

The proposals are as follows:

§ 1207.402 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1973, and ending June 30, 1974, by the National Potato Promotion Board for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $2,168,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the plan shall be $0.01 per hundredweight of assessable potatoes handled by him as the designated handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the potato research and promotion plan.

Dated April 26, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-8502 Filed 4-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 186]

INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE ACT

Notice of Proposed Rulemaking

Pursuant to the authority contained in the Indian Elementary and Secondary School Assistance Act (part A of title IV of the Education Amendments of 1972, 86 Stat. 334, 20 U.S.C. 241aa) the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, hereby proposes to amend title 45 of the Code of Federal Regulations by adding a new part 186 as set forth below.

The new part 186 would contain regulations governing grants to local and nonlocal educational agencies for the purpose of developing and carrying out elementary and secondary school programs specially designed to meet the

special educational needs of Indian students.

The Commissioner will make grants, on the basis of the formula set forth in subpart C of the proposed regulation, to local educational agencies whose applications for assistance under subpart B of the proposed regulation satisfy the requirements set forth therein. In addition, the Commissioner may provide financial assistance to schools on or near reservations which are not local educational agencies, from funds set aside for that purpose from the amount appropriated for grants under the act.

A program under the act must be developed with the participation and approval of a committee composed of, and selected by, parents of Indian children participating in the program, teachers, and where applicable secondary school students, and in open consultation (including public hearings) with parents of Indian children, teachers, and, where applicable, Indian secondary school students. Applications must provide that the program will utilize the best available talents and resources, including persons from the Indian community, and will substantially increase the educational opportunities of Indian children within the area to be served.

Federal financial assistance provided pursuant to the Indian Elementary and Secondary School Assistance Act is subject to the regulation is 45 CFR part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Such assistance is also subject to the provisions of title IX of Public Law 92-318 (20 U.S.C. 1681) (relating to discrimination on the basis of sex).

Interested persons are invited to submit written comments, suggestions, or objections to Mrs. Carol J. Smith, Acting Assistant Commissioner for Special Concerns, U.S. Office of Education, room 4033, 400 Maryland Avenue SW., Washington, D.C. 20202, by May 21, 1973. Comments received in response to this notice will be available for public inspection at room 4033, 400 Maryland Avenue SW., Washington, D.C., between 8 a.m. and 4:30 p.m., Monday through Friday.

Dated April 16, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved April 25, 1973.

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

PART 186—INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE ACT

Subpart A—Scope; Definitions

Sec.

Subpart B—Applications; Use of Federal Funds

Subpart C—Amount of Grants; Payments; Reallocations

Subpart D—General Provisions

AUTHORITY.—Title IV of Public Law 92-318, 86 Stat. 334 (20 U.S.C. 241aa–241ff), unless otherwise noted.

Subpart A—Scope and Definitions

§ 186.1 Scope.

The regulations in this part govern the provision of financial assistance under the Indian Elementary and Secondary School Assistance Act, title III of Public Law 81-874, as added by part A of title IV of Public Law 92-318 (the Indian Education Act).

§ 186.2 Definitions.

As used in this part, and for the purposes of this part and determinations under the Indian Elementary and Secondary School Assistance Act:

"The Act" means title III of Public Law 81-874, the Indian Elementary and Secondary School Assistance Act, as added by Public Law 92-318, part A, section 411(a).

(20 U.S.C. 241aa.)

"Child" means any child who is within the age limits for which the applicable State provides free public education.

(20 U.S.C. 244 (2).)

"Combined fiscal effort" means the expenditures per pupil by a local educational agency and the State with respect to the provision of free public education by that local educational agency other than expenditures from funds derived from Federal sources, such as funds under titles I, II, and III of the Elementary and Secondary Education Act, title III of the National Defense Education Act, title I of Public Law 81-874, and the Economic Opportunity Act.

(20 U.S.C. 241ee(b).)

"Commissioner" means the U.S. Commissioner of Education.

(20 U.S.C. 241aa.)

"Current expenditures" means expenditures for free public education, including expenditures for administration, instruction, attendance, and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under title II of Public Law 81-874, or title II or III of the Elementary and Secondary Education Act of 1965.

(20 U.S.C. 244(5).)

"Elementary or secondary school" means a day or residential school which provides elementary education or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(20 U.S.C. 241aa.)

"Equipment" includes machinery and includes all other items of tangible personal property necessary for the functioning of a particular facility as a facility for the provision of educational and related services, including items such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and books, periodicals, documents, and other related materials. Equipment does not include "supplies."

(20 U.S.C. 241cc(2).)

"Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in an applicable State. Free public education may, if in accordance with State law, include education below grade 1 meeting the above criteria.

(20 U.S.C. 244(4).)

"Indian" means any individual, living on or off a reservation, who: (a) Is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member; or (b) is considered by the Secretary of the Interior to be an Indian for any purpose; or (c) is an Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1221h; Public Law 92-318, § 453.)

"Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a reservation, county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains

facilities for providing free public education.

(20 U.S.C. 241aa; 20 U.S.C. 244(6)(A), S. Rept. No. 92-384, 92d Cong., 1st Sess. 18 (1971).)

"Minor remodeling" means minor alterations, in a previously completed building, which are needed to make effective use of equipment or personnel in space used or to be used for programs or projects meeting the assessed needs of Indian children. The term may include the extension of utility lines, such as for water and electricity, for points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of such previously completed building, to the extent needed to make effective use of the equipment. The term does not include structural alterations to buildings, building construction, maintenance, or repair.

(20 U.S.C. 241cc(2).)

"Nonlocal educational agency" means the governing body of a nonprofit institution or organization of an Indian tribe which operates for Indian children an elementary or secondary school or school system, located on or near a reservation, and which is not a local educational agency as defined herein.

(20 U.S.C. 241bb(b).)

"State aid" with respect to free public education means any contribution, no repayment for which is expected, made by a State to or on behalf of a local educational agency within the State for the support of free public elementary and secondary education.

(20 U.S.C. 241ee(b)(1).)

"State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(20 U.S.C. 244(7).)

§§ 186.3–186.10 [Reserved]

Subpart B—Applications

§ 186.11 Applications.

A grant under the act to a local educational agency may be made only upon application to the Commissioner, on such forms as may be prescribed by him, when such application meets the requirements of this subpart.

(20 U.S.C. 241dd(a).)

§ 186.12 Contents of applications.

An application, in accordance with section 305(a) of the act, shall:

(a) Provide that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant;

(20 U.S.C. 241dd(a)(1).)

(b) Set forth an elementary or secondary school program specially designed to meet the special educational needs of Indian students and provide for such methods of administration (both fiscal and educational) as are necessary for the proper and efficient operation of the program;

(20 U.S.C. 241dd(a)(2).)

(c) Provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the applicant's programs and projects in meeting the special educational needs of Indian students;

(20 U.S.C. 241dd(a)(4).)

(d) Set forth policies and procedures which assure that Federal funds made available under the act for any fiscal year will be so used to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

(20 U.S.C. 241dd(a)(5).)

(e) Provide for such fiscal control and fund accounting procedures by the applicant as are necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under the act, and for such reports as the Commissioner may require to carry out his functions under the act.

(20 U.S.C. 241dd (a)(6) and (a)(7); 20 U.S.C. 1232c.)

(f) In the case of an application for payments for planning, provide satisfactory assurance that:

(1) The planning was or will be directly related to programs or projects to be carried out under this part and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this part; and

(2) The planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under the act.

(20 U.S.C. 241dd(a)(3).)

§ 186.13 Approval of applications.

(a) *In general.*—An application may be approved only if it is consistent with the applicable provisions of the act and this part and meets the requirements set forth in § 186.12 and in this section.

(b) *Utilization of talents; increase of educational opportunities.*—An application shall provide satisfactory assurance that the program or project for which the application is made:

(1) Will utilize the best available talents and resources (including persons from the Indian community), and

(2) Will substantially increase educational opportunities of Indian children in the area to be served by the applicant.

The talents and resources utilized to substantially increase educational opportunities of Indian children may include any individuals or organizations which have a particular and uncommon skill, ability, or delivery system, based on knowledge, assets, or existing capacities, to increase educational opportunities of Indian children. Educational opportunities may include, but shall not be limited to, instructional and supportive activities, services or experiences designed to meet the assessed needs of Indian children to be served in the application.

(20 U.S.C. 241dd(b)(2)(A).)

(c) *Consultation and hearings.*—An application shall provide satisfactory assurance that the program or project for which application is made has been developed:

(1) In open consultation with parents of Indian children, teachers, and, where such program or project will serve secondary school students, Indian secondary school students, including not less than one public hearing at which such persons have been given a full opportunity to understand the program for which assistance is sought and to offer recommendations thereon; and

(2) With the participation and approval of a committee selected in accordance with §§ 186.15 and 186.16. Such assurance shall include at the minimum a description of the steps taken by the applicant to meet the requirements of this paragraph.

(20 U.S.C. 241dd(b)(2)(B).)

§ 186.14 Public hearings.

The public hearing required by § 186.13(c)(1) shall provide an opportunity for discussion of, among other appropriate subjects:

(1) The adequacy of current programs to meet the special educational needs of Indian children enrolled in the local educational agency; and

(2) The manner in which the program or project for which application is made will be coordinated with other programs to meet the special educational needs of such children.

(20 U.S.C. 241dd(b)(2)(B)(i).)

§ 186.15 Parent committee nominations.

The committee formed for the purposes of § 186.13(c)(2) shall be nominated and selected by procedures appropriate to the Indian community to be served, such as sanction by the tribal governor where necessary. This committee shall be known as the "parent committee."

(a) Identification of individuals for consideration for membership on the committee shall not be determined by the applicant alone, but, to the extent practicable, shall be determined by consultation with such groups as parents of Indian children to be served, Indian tribes, tribal councils, institutions, and organizations which are part of the affected Indian community.

(b) The recommendation of such individuals by such groups shall be designed to result in the identification of persons representative of the interests of the Indian children to be served by the grant for which application is made.

(c) Representative factors in the nomination and selection of members of the

parent committee shall include, but not be limited to, the following:

(a) Geographical location;

(b) Previous or current membership in a parent advisory committee;

(c) Experience with target schools;

(d) Prior school or community activity;

(e) Willingness to participate actively and make recommendations concerning the special educational needs of the Indian children to be served; and

(f) Representation of reservation and off-reservation Indian children where necessary.

(20 U.S.C. 241dd(b)(2)(B).)

§ 186.16 Selection of parent committee.

(a) The parent committee shall be selected by parents of the Indian children to be served, teachers and, where the program or project will serve secondary school students, Indian secondary school students.

(b) The applicant will arrange the mechanism for selection procedures after consultation with the groups listed in § 186.15(a), and shall provide prior notice and dissemination of information to the community concerning the selection procedures.

(c) Membership of a parent committee shall be in proportion to the total number of Indian children to be served, with a maximum membership of 40 persons. The committee shall include only parents of the Indian children to be served, teachers, and where the program or project will serve secondary school students, Indian secondary school students, with parents constituting at leat half of the members. Each member shall be designated by name and address in the application.

(20 U.S.C. 241dd(b)(2)(B)(ii).)

§ 186.17 Procedures for community involvement.

An application shall set forth policies and procedures assuring that the program will be operated and evaluated in consultation with, and the involvement of, parents of the Indian children and representatives of the area to be served, including the committee established under § 186.16. Such policies and procedures shall at a minimum include the provision by the local educational agency of the following:

(a) A repository available to the community of documentation concerning parent committee functions such as records of meetings, minutes of meetings, committee selection procedures, and a roster of committee membership;

(b) Dissemination and interpretations of bilingual proceedings and materials where necessary;

(c) An established role for the committee to be played in needs assessments, and priority determinations for meeting such identified needs;

(d) Access by the committee to budget and financial reports and analyses to determine that grant funds are being used to supplement the level of funds available to the community for the education of Indian children;

(e) Planned activities to assure review of application implementation, ongoing review of program or project activities or services, and continuing analysis for evaluation and dissemination activities and other related programs and projects;

(f) Formal mechanism for written approval, by a majority of the committee voting in open session, of the application and of projects and activities to be implemented by the applicant which affect the community to be served.

(20 U.S.C. 241dd(b)(2)(B) and (c).)

§ 186.18 Needs assessment.

In designing a program which meets the special educational needs of the Indian children to be served, the local educational agency (after consultation with the parent committee and the Indian community) must consider the inclusion of activities which build upon and support the heritage, traditions, and lifestyle of the community being served. The determination of those needs shall include consideration of such instructional or supportive services, activities, and experiences as the following:

(a) *Instructional services, activities and experiences.*—(1) Arts (music, graphics, etc.);

(2) Language arts, including speech therapy, reading and language instruction such as bilingual or English as a second language program;

(3) Vocational and industrial arts;

(4) Mathematics and natural science;

(5) Social sciences and humanities;

(6) Physical education; and

(7) Cultural enrichment.

(b) *Supportive activities, services or experiences.*—(1) Academic guidance, counseling and testing;

(2) Use of dormitory and recreation facilities;

(3) Food and clothing;

(4) Medical and dental care;

(5) Psychological or psychiatric testing and care;

(6) Social work services;

(7) Pupil transportation; and

(8) Special services for physically handicapped and mentally retarded children.

(20 U.S.C. 241cc.)

§ 186.19 Use of Federal funds.

(a) Grants under the Act may be used for

(1) The planning and development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

(2) The establishment, maintenance, and operation of programs specifically designed to meet the special educational needs of Indian children.

(b) Grants under the Act also may be used for the acquisition of necessary equipment, and for the minor remodeling of classroom or other space used for such programs currently meeting the special educational needs of Indian children.

(20 U.S.C. 241bb(a)(2)(B).)

Subpart C—Amount of Grant; Payments; Reallocations

§ 186.21 Formula for determination of amount of grants for local educational agencies.

(a) For the purpose of computing the amount to which a local educational agency is entitled under the Act for any fiscal year ending prior to July 1, 1975, the Commissioner shall determine, on the basis of the most satisfactory data available, the number of Indian children who were enrolled in the schools of such agency and for whom such agency provided free public education, during such fiscal year.

(20 U.S.C. 241bb(a)(1).)

(b) The amount of the grant to which a local educational agency is entitled under the Act for any fiscal year shall be an amount equal to

(1) The average per pupil expenditure for such agency, as determined in accordance with paragraph (c) of this section, multiplied by

(2) The sum of the number of Indian children determined under paragraph (a) of this section.

(20 U.S.C. 241bb(a)(2)(A).)

(c) The average per pupil expenditure for a local educational agency shall be the aggregate current expenditures during the second fiscal year preceding the fiscal year for which the computation is made, for all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily membership in elementary and secondary schools for whom such agencies provided free public education during the second preceding fiscal year.

(20 U.S.C. 241bb(a)(2)(C).)

(d) Per pupil expenditure data for the purposes of this part shall be determined by the Commissioner on the basis of the best data available to him. Such data for the purposes of average per pupil expenditure determinations shall be in accordance with the provisions of section 303(a)(2)(C) of the act of this subpart.

(20 U.S.C. 241bb(a)(2)(C).)

(e) A grant shall not be made to a local educational agency under the act unless the number of Indian children enrolled in the schools of that agency is at least 10 or constitutes at least 50 percent of that agency's total enrollment. This requirement shall not apply to local educational agencies serving Indian children in Alaska, California, and Oklahoma, or located on, or in proximity to, an Indian reservation. (For a local educational agency to be in proximity to an Indian reservation, the Indian child's attendance area must be within reasonable pupil transportation distance of the

reservation lands, which determination shall be based on criteria including length of schoolday, route traveltime, and population density factors.)

(20 U.S.C. 241bb(a)(2)(B).)

§ 186.22 Assistance to nonlocal educational agencies.

(a) The Commissioner may, in accordance with section 303(b) of the act, provide financial assistance to: (1) Nonlocal educational agencies or (2) local educational agencies (i) which have not been local educational agencies for more than 3 years and (ii) which enroll a substantial proportion of Indian children.

(b) Assistance may be made available under this section to meet the costs of programs and projects which meet the purposes of this part, including costs incurred in connection with the establishment of such agencies. Applications for assistance under this section shall meet the appropriate requirements of subpart B of this part.

(20 U.S.C. 241bb(b); S. Rept. 92-346, 92d Cong., 1st Sess. 1971, p. 99.)

§ 186.23 Limitation with regard to eligibility of local educational agencies for State aid.

No payment will be made under this part for any fiscal year to any local educational agency in a State which has taken into consideration payments under this part in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to free public education of children during that year or the preceding fiscal year.

(20 U.S.C. 241ee(b)(1).)

§ 186.24 Limitation with regard to combined fiscal effort.

(a) No payments under the act to any local educational agency in any State for any fiscal year may be made by the Commissioner unless the State educational agency of the respective State finds that the combined fiscal effort of that local educational agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

(b) Expenditures by a State with respect to a local educational agency, rather than by such a local educational agency itself, shall be deemed to have been maintained at the same level in the preceding fiscal year as in the second preceding fiscal year, unless the basis for making such expenditures has been altered or unless such expenditures are assumed by such a local educational agency. In such an event, the actual expenditures of that nature shall be taken into account in both years in determining combined fiscal effort.

(c) A combined fiscal effort in the preceding fiscal year shall not be deemed to be a reduction from that in the second preceding fiscal year unless the per pupil expenditure in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent. Any such reduction in fiscal effort by a local educational agency for any fiscal year by more than 5 percent will disqualify a local educational agency unless such agency demonstrates to the satisfaction of the State educational agency that such a reduction was the result of an unusual event, such as an unanticipated increase in school enrollment, that was beyond the control of the local educational agency, and that fiscal effort of such agency does not otherwise indicate a diminished fiscal effort.

(20 U.S.C. 241ee(b)(2).)

§ 186.25 Adjustments where necessitated by appropriations.

(a) *Ratable reductions.*—As prescribed by section 307(a) of the act, if the sums appropriated for a fiscal year for making payments under this part are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this part for such fiscal year (as determined in accordance with § 186.21), the Commissioner will ratably reduce the maximum amounts which all such agencies are eligible to receive under this part for such year.

(20 U.S.C. 241ff(a).)

(b) *Reallocation of funds.*—(1) In any fiscal year in which the maximum amounts for which local educational agencies are eligible under this part have been ratably reduced in accordance with paragraph (a) of this section (and in which additional funds have not been made available to pay in full such maximum amounts), the Commissioner shall fix a date or dates by appropriate notice for the reporting, by each local educational agency which is eligible for a grant under this part determined in accordance with § 186.21, of the amount of funds available to such agency under this part which it estimates it would expend under an approved application. If such agency is applying for a grant under this part, its estimate shall set forth a detailed projection of the amount it deems necessary for carrying out its proposed project relative to the amount available to it under this part. The Commissioner shall, in fixing such date or dates, notify local educational agencies which are eligible for assistance under this part that the failure to file an application pursuant to subpart B of this part, by such date or dates, will result in the reallocation of the ratably reduced maximum amounts which such agencies are eligible to receive under this part to other eligible local educational agencies pursuant to this section.

(2) Following the submission of such reports, the Commissioner will determine those local educational agencies which will need additional funds to carry out approved applications under this part. Such additional funds may be allocated to such agencies by the Commissioner (i) from amounts which he determines in accordance with subparagraph (1) of this paragraph, will not be used by local educational agencies during their period of availability and (ii) from amounts which he determines would have been available to local educational agencies that did not submit approvable applications and will not be used by such agencies.

(3) No amount may be reallocated to a local educational agency under subparagraph (2) of this paragraph, if such amount, when added to the amount available to such agency in accordance with paragraph (a) of this section, exceeds the maximum grant for which such agency is eligible in accordance with § 186.21.

(20 U.S.C. 241ff.)

§§ 186.27–186.30 [Reserved]

Subpart D—General Provisions

§ 186.31 Retention of records.

(a) *Records.*—Each recipient shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any, in accordance with section 434(a) of the General Education Provisions Act), including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.*—(1) Except as provided in paragraphs (b)(2) and (d) of this section the records specified in paragraph (a) of this section shall be retained (a) for 3 years after the date of the submission of the final expenditure report, or (b) for grants and contracts which are reviewed annually, for 3 years after the date of the submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.*—Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.*—The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.*—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(OMB Circular No. A-73; OMB Circular No. A-102, attachment C; 20 U.S.C. 1232c(a).)

§ 186.32 Audits.

(a) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations.

(b) The recipient shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, site, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Commissioner to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(d) Each recipient shall use a single auditor for all of its expenditures, under Federal education assistance programs, regardless of the number of Federal agencies providing such assistance.

(20 U.S.C. 1232c(b)(2); OMB Circular No. A-102, attachment G,2, attachment C,1.)

§ 186.33 Limitations on costs.

The amount of the award shall be set forth in the grant award document. The total cost to the Federal Government will not exceed the amount set forth in the grant award document or any modification thereof approved by the Commissioner which meets the requirements of applicable statutes and regulations. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award document. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant.

(20 U.S.C. 241aa.)

[FR Doc.73-8418 Filed 4-30-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19703]

TELEVISION BROADCAST STATIONS IN FRESNO, CALIF.

Proposed Table of Assignments: Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606(b), "Table of assignments," Television broadcast stations. (Fresno, Calif.), Docket No. 19703, RM-1964.

1. On March 7, 1973, the Commission adopted a notice of proposed rulemaking in the above-entitled matter requesting comments on a petition for rulemaking filed by Capital Cities Broadcasting Corp. (Capital Cities). Publication in the FEDERAL REGISTER was given on March 20, 1973 (38 FR 7341). The dates for filing comments and reply comments were specified as April 23, 1973, and May 3, 1973, respectively.

2. Counsel for Capital Cities, on April 19, 1973, filed a request for a 2-week extension of time in which to file comments and reply comments, to and including May 7 and May 17, 1973, respectively. Among other things, the notice of proposed rulemaking requested that certain engineering studies be submitted concerning the possibility of cochannel interference to channel 34 at Los Angeles, Calif. Counsel states that the requested extension is needed because due to the press of other business upon the licensee, counsel and its engineering consultant, the proper documentation has not been completed. It further states that no party other than the petitioner would be affected since the proposal is designed only to alleviate adjacent-channel interference to their station, KFSN-TV.

3. It appears that the requested extension is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments and reply comments in docket No. 19703 is extended to and including May 7, 1973, and May 17, 1973, respectively.

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

Adopted April 20, 1973.

Released April 24, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.73-8440 Filed 4-30-73;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 702]

RESERVES

Notice of Proposed Rulemaking

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred in section 120, 73 Stat. 635, 12 U.S.C. 1766, is considering the addition of a new § 702.4 (12 CFR 702.4) as set forth below and the repeal of § 702.3 (12 CFR 702.3). As a result of the repeal of § 702.3 (12 CFR 702.3), certain sections of chapter VII of title 12 must be revised as set forth below.

The purpose of the proposed regulation is to remove the special reserve for delinquent loans currently required for Federal credit unions by § 702.3 (12 CFR 702.3). In place of the special reserve for delinquent loans would be four conditions under which a Federal credit union would charge off certain delinquent loans to its regular reserve.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rulemaking to the Administrator, National Credit Union Administration, Washington, D.C. 20456, to be received not later than July 2, 1973.

HERMAN NICKERSON, Jr.,
Administrator.

APRIL 23, 1973.

1. Section 702.3 (12 CFR 702.3) is repealed and the number designation § 702.3 is reserved for future use.

2. Section 701.29(b)(2) (12 CFR 701.29) is revised to read as follows:

§ 701.29 Purchase of notes of a liquidating credit union.

* * * * *

(b) * * *

(2) The balance of the regular reserve of the purchasing credit union shall be in an amount at least equal to the regular reserve required by § 702.2 of this chapter.

* * * * *

3. Section 741.4(a) (12 CFR 741.4) is revised by changing the second sentence thereof to read as follows:

§ 741.4 Criteria.

* * * * *

(a) *Adequacy of reserves.*—* * * A Federal credit union must meet the reserve transfer requirements of section 116(a) of the Federal Credit Union Act and the mandatory charge-off provisions set forth in § 702.4 of this chapter. * * *

* * * * *

4. In part 702 (12 CFR part 702) add a new section 702.4, as follows:

§ 702.4 Mandatory charge-offs.

(a) The following categories of delinquent loans shall be charged to the regular reserve at the close of each month.

(1) The unpaid balances of loans represented by notes providing payments monthly and more frequently which are delinquent 12 months or more;

(2) The unpaid balances of loans represented by notes providing for payments at intervals greater than 1 month which are delinquent 6 months or more;

(3) The unpaid balances of loans represented by notes providing for a single payment of principal at a specified maturity date within 1 year which are delinquent 6 months or more;

(4) The unpaid balances of loans represented by notes providing for a single payment of principal at a specified maturity date in excess of 1 year which are delinquent 3 months or more.

(b) The matter contained in paragraph (a) of this section is not intended to prevent a Federal credit union's board of directors from exercising their responsibility to charge off any other loans that are known losses.

(c) The method selected by a Federal credit union for computing delinquent loans shall be in accordance with one of the several methods described in the "Accounting Manual for Federal Credit Unions."

(d) Presentation of delinquent loan data by a Federal credit union shall be displayed on a schedule for delinquent loans as illustrated in the "Accounting Manual for Federal Credit Unions" and the unpaid balances of delinquent loans shall be classified as follows:

(1) 2 months delinquent, but less than 6 months;

(2) 6 months delinquent, but less than 12 months;

(3) 12 months delinquent, and over.

(e) Federal credit unions utilizing automatic data processing equipment shall determine that the minimum conditions set forth in the "Data Processing Guidelines for Federal Credit Unions" manual are present in the event the computer-produced listing is substituted for the schedule of delinquent loans.

[FR Doc.73-8387 Filed 4-30-73;8:45 am]

Notices

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

DEPARTMENT OF STATE

[Public Notice CM-24]

STUDY GROUP 6 OF U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that study group 6 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on May 11, 1973, at 9 a.m. in room 3012, Radio Building, Boulder Laboratories, Department of Commerce, Boulder, Colo. It is possible that the meeting will continue on May 12.

Study group 6 deals with matters relating to the propagation of radio waves through the ionosphere. The meeting on May 11 and 12 will be for the purpose of drafting a reorganized and compressed version of the texts of international study group 6 as now contained in volume II (2) of the CCIR documents (New Delhi, 1970); the new draft texts will be submitted for consideration by the international meeting of study group 6 in 1974.

Members of the general public who desire to attend the meeting on May 11 and 12 will be admitted up to the limits of the capacity of the meeting room.

Dated April 23, 1973.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.73-8388 Filed 4-30-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Notice of Meeting

APRIL 26, 1973.

The USAF Scientific Advisory Board spring general meeting will be held on May 3, 1973, from 9 a.m. until 5:10 p.m., and on May 4, 1973, from 8:30 a.m. until 2:30 p.m., at the Ames Research Center, National Aeronautics and Space Administration (NASA), Moffett Field, Calif. The meeting will be closed to the public.

The Board will receive classified briefings on simulation in Air Force research and development, training and test and evaluation.

For additional information on this meeting, telephone 202-697-4648.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-8514 Filed 4-30-73;8:45 am]

Department of the Navy

BOARD OF ADVISORS OF THE NAVAL WAR COLLEGE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463 (1972)), notice is hereby given of a meeting of the Board of Advisors of the Naval War College, at 9:15 a.m. on May 12, 1973, at the Naval War College, Newport, R.I.

Dated April 24, 1973.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

[FR Doc.73-8424 Filed 4-30-73;8:45 am]

NAVY RESALE SYSTEM ADVISORY COMMITTEE

Notice of Closed Meeting

Notice is hereby given, in accordance with the provisions of the Federal Advisory Committee Act (Public Law No. 92-463 (1972)), that a closed meeting of the Navy Resale System Advisory Committee will be held at 9 a.m., on May 21, 1973, at the New York Athletic Club, New York City, N.Y.

The agenda consists of matters relating solely to the internal policies and practices of the Navy Department insofar as they pertain to Navy resale affairs, including a review of operations, financial controls, personnel policies, facilities construction, and various aspects of system administration.

Dated April 24, 1973.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

[FR Doc.73-8423 Filed 4-30-73;8:45 am]

SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING (SABET)

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act [Public Law 92-463(1972)], notice is hereby given that the Secretary of the Navy's Advisory Board on Education and Training (SABET), after a tour of various Navy and Marine Corps commands in the San Diego, Calif., area, will hold a closed meeting at 8 a.m. on May 5, 1973, at Headquarters, Commander Training Command, U.S. Pacific Fleet, Fleet Antisubmarine Warfare School, San Diego, Calif.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

APRIL 30, 1973.

[FR Doc.73-8640 Filed 4-30-73;11:03 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Sacramento Area Office Redelegation Order 1, Amdt. 4]

SUPERINTENDENT, HOOPA AGENCY

Redelegation of Authority on Leasing for Homesite Purposes

APRIL 2, 1973.

This delegation is issued under the authority delegated to the Commissioner of Indian Affairs from the Secretary of the Interior in section 25 of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Directors in 10 BIAM 3.

The Sacramento Area Office Redelegation Order 1 was published beginning on page 14036 of the September 4, 1969, FEDERAL REGISTER (34 FR 14036) and subsequently amended. Sacramento Area Office Redelegation Order 1 is being further amended by revising section 2.5(c) to allow the Superintendent of the Hoopa Agency to exercise the Area Director's authority relating to leases of tribal and allotted lands of the Hoopa Valley Reservation for homesite purposes to tribal members or to housing authorities. Currently, the Superintendent has authority only for leases of tribal lands for homesite purposes to tribal members.

As amended, part 2 of Sacramento Area Office Redelegation Order 1 reads as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS AND AREA FIELD REPRESENTATIVE, PALM SPRINGS AREA FIELD OFFICE

Subject to the provisions of part 1, Superintendents and Area Field Representatives, Palm Springs Area Field Office may exercise the authority of the Area Director as indicated in this part.

FUNCTIONS RELATING TO LANDS AND MINERALS

* * * * *

SEC. 2.5 *Surface leases and permits.* * * *

(c) To the Superintendent, Hoopa Agency. The authority of the Area Director relating to leasing tribal and allotted lands of the Hoopa Valley Reservation for homesite purposes to members of the tribe or to housing authorities. This authority includes approval of encumbrances of leasehold interests in homesite leases for the purpose of bor-

rowing capital for the development and improvement of the leased premises, provided the security instruments specifically approved for such encumbrances are used.

* * * * *

Effective date.—The effective date of this delegation is April 2, 1973.

WILLIAM D. OLIVER,
Acting Area Director.

Approved April 25, 1973.

WILLIAM L. ROGERS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-8382 Filed 4-30-73;8:45 am]

Bureau of Land Management

CHIEF, DIVISION OF MANAGEMENT SERVICES, UTAH STATE OFFICE ET AL.

Delegation of Authority Regarding Contracts and Leases

Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510.03B2d, the Chief, Division of Management Services, State Office; Associate State Director, State Office; District Managers, and Chief, Division of Administration in each District Office are authorized:

1. To enter into contracts with established sources of supplies and services, excluding capitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction), provided that the requirement is not available from established sources, and

3. To enter into negotiated contracts pursuant to section 302(c)(2) of the FPAS Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds $2,500.

B. Under the above-mentioned delegation of authority, Cadastral Survey Party Chiefs are authorized to enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $200: *Provided*, That the requirement is not available from established sources.

R. D. NIELSON,
State Director, Utah State Office.

APRIL 13, 1973.

[FR Doc.73-8383 Filed 4-30-73;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 28, 1973, part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 6 (pp. 6084–6086) and April 10 (pp. 9095–9097). Further notice is given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following are corrections to previous listings in the FEDERAL REGISTER:

Delaware

Kent County

Dover, *Delaware State Museum Buildings (Old Presbyterian Church Complex)*, 316 South Governors Avenue.

Maryland

Charles County

Piscataway Park, Accokeek vicinity, Piscataway Park (incorporating Accokeek Creek Site), across the Potomac River from Mount Vernon (also in Prince Georges County).

Missouri

Jackson County

Kansas City, *New York Life Building*, 20 West Ninth Street.

Utah

Salt Lake County

Salt Lake City vicinity, *Little Dell Station*, East of Salt Lake City in Mountain Dell Canyon, near the intersection of Utah 293 and 65.

Virginia

Fairfax County

Fairfax, *Earp's Ordinary (Ratcliffe-Logan-Allison House)*, 200 East Main Street.

West Virginia

Taylor County

Grafton, *Andrews Methodist Church (Mothers' Day Shrine)*, East Main Street between St. John and Luzader Streets.

The following property has been demolished and removed from the National Register:

Missouri

Jackson County

Kansas City, *Emery, Bird, and Thayer Building*, 1016–1018 Grand Avenue.

The following properties have been added to the National Register since April 10, 1973:

Alabama

Mobile County

Mobile, *Brisk & Jacobson Store*, 51 Dauphin Street.

California

Monterey County

Salinas vicinity, *Baronda, José Eusebio, Adobe*, west of Salinas on Baronda Road at West Laurel Drive.

Nevada County

Nevada City, *Nevada Theatre (Cedar Theatre)*, Broad and Bridge Streets.

Placer County

Dutch Flat, *Dutch Flat Historic District*, Main and Stockton Streets.

Santa Cruz County

Capitola, *Hihn Building (Superintendent's Office)*, 201 Monterey Avenue.

Solano County

Vallejo, *Vallejo Old City Historic District*, bounded by Sonoma Boulevard and Monterey, Carolina, and York Streets.

Colorado

Denver County

Denver, *Auraria 9th Street Historic District*, both sides of Ninth Street, bounded by Curtis and Champa Streets.

Denver, *U.S. Post Office and Federal Building*, 18th and Stout Streets.

Jefferson County

Wheat Ridge, *Pioneer Sod House*, 4610 Robb Street.

Connecticut

Fairfield County

Stratford, *Judson, Captain David, House*, 967 Academy Hill.

Delaware

Kent County

Dover, *Greenwold (Manlove Hayes House)*, 625 South State Street.

Dover vicinity, *Great Geneva*, about 3 miles south of Dover on Delaware 356.

Farmington vicinity, *Tharp House*, east of Farmington on U.S. 13.

Kent County

Frederica vicinity, *Bonwell House*, about 4 miles west of Frederica on Delaware 380 at Andrews Lake.

Kenton, *Cooper House*, on Delaware 300.

Leipsic vicinity, *Snowland*, northwest of Leipsic on Delaware 42.

New Castle County

Ashland, *Ashland Bridge*, south of Delaware 82 over Red Clay Creek.

Hockessin, *Hockessin Friends Meeting House*, at Routes 275 and 254 and Meeting House Road.

Newark vicinity, *White Clay Creek Presbyterian Church*, about 2 miles northeast of Newark on Delaware 2 at Delaware 324.

Smyrna vicinity, *Clearfield Farm*, north of Smyrna on Delaware 9.

Taylor's Bridge vicinity, *Hart House*, east of Taylor's Bridge on Delaware 453.

Taylor's Bridge vicinity, *Huguenot House*, west of Taylor's Bridge on Delaware 9.

Taylor's Bridge vicinity, *Liston House*, east of Taylor's Bridge on Delaware 453.

Sussex County

Millsboro vicinity, *Carey's Camp Meeting Ground*, off Delaware 24, west of Millsboro.

Georgia

Richmond County

Augusta, *Gertrude Herbert Art Institute (Nicholas Ware House)*, 506 Telfair Street.

Spalding County

Griffin, *Bailey, Sam, Building*, East Poplar and Fourth Streets.

Griffin, *Bailey-Tebault House*, 633 Meriwether Street.

Griffin, *Hawkes Library*, 210 South Sixth Street.

Griffin, *Hill-Kurtz House*, 570 South Hill Street.

Griffin, *Hunt House*, 232 South Eighth Street.

Hawaii

Honolulu County

Kaneohe, *Leleahina Heiau*, South of Haiku Plantation Drive.

Maui County

Wailuku, *Old Bailey House*, Iao Valley Road.

Idaho

Franklin County

Preston vicinity, *Bear River Battleground*, Northwest of Preston off U.S. 91.

Power County

American Falls vicinity, *Oregon Trail Historic District (Register Rock Area)*, southwest of American Falls along U.S. 30N.

Illinois

Cook County

Chicago, *Francisco Terrace Apartments*, 253–261 North Francisco Avenue.

Hancock County

Carthage, *Carthage Jail*, corner of Walnut and North Fayette Streets.

Iowa

Henry County

Mount Pleasant, *Old Main*, on Iowa Wesleyan College campus, Broad Street between Main and Broadway.

Kansas

McPherson County

Lindsborg, *Swedish Pavilion*, Mill Street.

Marshall County

Frankfort vicinity, *Barrett Schoolhouse*, about 4 miles southwest of Frankfort off Kansas 99.

Smith County

Smith Center vicinity, *"Home on the Range" Cabin*, about 11 miles northwest of Smith Center off Kansas 8.

Kentucky

Fayette County

Lexington, *Gratz Park Historic District*, bounded by Second Street, the Byway, Third Street, and Bark Alley.

Hardin County

Elizabethtown vicinity, *Lincoln Heritage House (Hardin Thomas House)*, north of Elizabethtown on Freeman Lake.

Louisiana

East Baton Rouge Parish

Baton Rouge, *Stewart-Dougherty House*, 741 North Street.

Iberia Parish

New Iberia vicinity, *Darby Plantation*, north of New Iberia on Darby Lane.

St. Charles Parish

Destrehan, *Destrehan Plantation*, on River Road (Louisiana 48).

West Feliciana Parish

St. Francisville, *Propinquity*, corner of Royal and Johnson Streets.

Maryland

Anne Arundel County

Crownsville, *St. Paul's Chapel*, Maryland 178 at Crownsville Road.

Baltimore (independent city), *McKim's School*, 1120 East Baltimore Street.

Old Town Friends' Meeting House, 1201 East Fayette Street.

St. Luke's Church, 217 North Carey Street.

St. Paul's Church Rectory, 24 West Saratoga Street.

St. Paul's Protestant Episcopal Church, 233 North Charles Street.

Charles County

Port Tobacco, *Rose Hill*, Rose Hill Road.

Montgomery County

Rockville, *Beall-Dawson House*, 103 West Montgomery Avenue.

Prince Georges County

Clinton, *Surratt House*, 9110 Brandywine Road.

Somerset County

Princess Anne vicinity, *Beverly*, south of Princess Anne on U.S. 13.

Talbot County

Easton vicinity, *St. John's Chapel of St. Michael's Parish*, about 3 miles west of Easton on Maryland 370.

Massachusetts

Hampshire County

Hadley, *Porter-Phelps-Huntington House*, 130 River Drive.

Suffolk County

Boston, *Fulton-Commercial Streets District*, Fulton, Commercial, Mercantile, Lewis, Richmond Streets.

Michigan

Huron County

Huron City vicinity, *Pointe Aux Barques Lighthouse*, east of Huron City on Light House Road.

Minnesota

Chippewa County (also in Lac qui Parle County)

Montevideo vicinity, *Lac qui Parle Mission Site*, about 10 miles northwest of Montevideo at end of Lac qui Parle Lake.

Lac qui Parle County

Montevideo vicinity, *Camp Release Site (Camp Release State Memorial Wayside)*, about 2 miles southwest of Montevideo off U.S. 212.

Montevideo vicinity, *Lac qui Parle Mission Site* (see Chippewa County).

Nicollet County

St. Peter vicinity, *Traverse des Sioux State Park*, 2 miles north of St. Peter, off U.S. 169.

Ramsey County

St. Paul, *Minnesota Historical Society Building*, 690 Cedar Street.

Mississippi

Harrison County

Biloxi, *Magnolia Hotel*, 137 Magnolia Street.

Jefferson County

Rodney, *Sacred Heart Roman Catholic Church*.

Warren County

Vicksburg, *Vicksburg Siege Cave*, near Vicksburg City Cemetery.

Winston County

Fearns Springs, *Nanih Waiya Mound and Village*, southwest of Fearns Springs.

Missouri

Jasper County

Joplin, *Joplin Union Depot*, Main Street and Broadway.

Nebraska

Cheyenne County

Sidney, *Fort Sidney Historic District*.

Douglas County

Omaha, *City National Bank Building*, 16th and Harney Streets.

Gage County

Beatrice, *Paddock, Algernon S., House*, 1401 North 10th Street.

New Hampshire

Rockingham County

Portsmouth, *Portsmouth Public Library*, 8 Islington Street.

New Mexico

Sandoval County

Jemez Springs, *Jemez State Monument*, New Mexico 4.

New York

Westchester County

Greenburgh, *Odell House*, 425 Ridge Road.

North Carolina

Carteret County

Beaufort, *Gibbs House*, 903 Front Street.

Chowan County

Edenton, *Wessington House*, 120 West King Street.

Craven County

Jasper vicinity, *Clear Springs Plantation*, north of Jasper.

Cumberland County

Fayetteville, *Mansard Roof House*, 214 Mason Street.

Davie County

Mocksville vicinity, *Cooleemee*, east of Mocksville, off U.S. 64.

Forsyth County

Kernersville, *Korner's Folly*, Main Street.

Guilford County

Greensboro, *Founders Hall*, 5900 West Friendly Avenue, Guilford College campus.

Vance County

Henderson vicinity, *Ashland*, north of Henderson on Satterwhite Point Road.

Ohio

Ashtabula County

Ashtabula, *Hubbard, Col. William, House*, corner of Lake Avenue and Walnut Boulevard.

Clark County

Springfield, *Bushnell-Foos Historic District*, 810 and 838 East High Street.

Clinton County

Clarksville vicinity, *Pansy Methodist Church and Pansy School District*, south of Clarksville on Ohio 730.

Cuyahoga County

Cleveland, *Cleveland Arcade*, 401 Euclid Avenue.

Cleveland, *Cleveland Grays Armory*, 1234 Bolivar Road.

Franklin County

Columbus, *Franklinton Post Office (Deardurf, David, House)*, 72 South Gift Street.

Columbus, *Sullivant, Lucas, Building*, 714 West Gay Street.

Worthington, *New England Lodge*, 634 North High Street.

Greene County

Xenia, *E. 2nd Street District*, 235 East Second Street (Hivling-Kinney House) and 209–213–215 East Second Street (John Allen House).

Hamilton County

Cincinnati, *Moormann, Bernard H., House*, 1514 East McMillan Street.
Cincinnati, *Mount Auburn Historic District*.
Cincinnati vicinity, *Hill, Jediah, Covered Bridge*, 7 miles north of Cincinnati off U.S. 127 on Covered Bridge Road.

Hocking County

Haydenville, *Haydenville Historic Town*.

Lake County

Painesville, *Administration Building, Lake Erie College*, 391 West Washington Street.

Licking County

Newark, *Licking County Courthouse*, Courthouse Square.

Seneca County

Tiffin, *Founders Hall, Heidelberg College*, Perry Street (Ohio 18).

Trumbull County

Warren, *Warren Public Library*, 120 High Street NW.

Oklahoma

Sequoyah County

Marble City vicinity, *Dwight Mission*, about 3 miles southwest of Marble City.

Oregon

Clackamas County

Oregon City vicinity, *Ainsworth, Captain John C., House*, 19195 South Leland Road.

Coos County

Coos Bay, *Marshfield Sun Printing Plant*, 1049 North Front Street.

Grant County

John Day, *Kam Wah Chung Co. Building*, Canton Street in John Day City Park.

Malheur County

Danner vicinity, *Charbonneau, Jean Baptiste, Memorial and Inskip Station Ruins*, north of Danner off U.S. 95.

Marion County

Champoeg vicinity, *Case, William, House*, southeast of Champoeg off Arbor Grove Road.

Multnomah County

Portland, *Pioneer Courthouse*, 520 Southwest Morrison Street.

Pennsylvania

Adams County

Gettysburg, *Dobbin House*, 89 Steinwehr Avenue.

Butler County

Harmony, *Harmony Historic District*, off Pennsylvania 68.

Chester County

Ercildoun vicinity, *Pierce, Lukens, House (Fallowfield Octagonal House)*, northwest of Ercildoun on Wilmington Road.
Parkersville vicinity, *Parkersville Friends Meeting House*, off Pennsylvania 926, south of Parkersville.

Delaware County

Boothwyn, *Chichester Friends Meetinghouse*, 611 Meetinghouse Road.

Mifflin County

Lewistown, *McCoy House*, 17 North Main Street.

Philadelphia County

Philadelphia, *Plays and Players*, 1714 Delancey Street.

Venango County

Titusville vicinity, *Site of Pithole City*, 10 miles southeast of Titusville, off Pennsylvania 227.

Rhode Island

Newport County

Jamestown, *Jamestown Windmill*, north of Weeden Lane on North Road.

Providence County

Providence, *Bell Street Chapel*, 5 Bell Street.

South Carolina

Berkeley County

Cainhoy vicinity, *Colais Milestones*, on County Route 98, north of Cainhoy to County Route 44 near Cordesville.

Calhoun County

St. Matthews, *Crutchfield House*, 412 East Bridge Street.

Charleston County

James Island, *Marshlands Plantation House*, Fort Sumter Drive.
Mount Pleasant, *Town of Mount Pleasant Historic District*.

Chester County

Chester, *Chester City Hall and Opera House*, West End and Columbia Streets.

Dorchester County

St. George vicinity, *Indian Fields Methodist Camp Ground*, about 4 miles northeast of St. George on South Carolina 73.

Florence County

Johnsonville vicinity, *Snow's Island*, east of Johnsonville at the Conference of the Great Pee Dee River and Lynch's Creek.

Greenwood County

Greenwood vicinity, *Brooks, J. Wesley, House*, 2 miles south of Greenwood on U.S. 25.

Laurens County

Laurens, *Octagon House*, 619 East Main Street.

Marion County

Latta vicinity, *Old Ebenezer Church*, 5 miles south of Latta on South Carolina 38.

Marlboro County

Bennettsville, *Magnolia (Chancellor William Johnson House)*, 508 East Main Street.

Spartanburg County

Spartanburg vicinity, *Nicholls-Crook House*, about 15 miles southwest of Spartanburg off U.S. 221.

South Dakota

Kingsbury County

De Smet, *Railroad Camp Shanty (Surveyor's Shanty)*, corner of First and Olivet Streets.

Minnehaha County

Sioux Falls, *All Saints School, Main Building*, 101 West 17th Street.

Sioux Falls, *Sioux Falls Public Library*, 235 West 10th Street.

Tennessee

Carter County

Elizabethton, *Elizabethton Historic District*.

Hamilton County

Chattanooga, *Old Library Building*, 200 East Eighth Street.

Knox County

Knoxville, *Craighead-Jackson House*, 1000 State Street.
Knoxville, *Old Post Office Building*, corner of Clinch and Market Streets.

Sullivan County

Bristol vicinity, *Pemberton Mansion and Oak*, about 9 miles northeast of Bristol off Tennessee 34.

Texas

Wilson County

Floresville vicinity, *Rancho de las Cabras*, 3 miles west of Floresville off Texas 97.

Utah

Sanpete County

Ephraim, *Ephraim United Order Cooperative Building*, corner Main and First North Streets.

Virginia

Charlotte County

Randolph vicinity, *Mulberry Hill*, north of Randolph on Route 641.

Chesapeake (Independent City)

Site of Great Bridge Battle, both sides of the Albemarle and Chesapeake Canal between Oak Grove and Great Bridge.

Dinwiddie County

Dinwiddie, *Dinwiddie County Courthouse*, at intersection of Virginia 619 and U.S. 1.

Franklin County

Rocky Mount, *Washington Iron Furnace*, 108 Old Furnace Road.

Gloucester County

Gloucester vicinity, *Ware Parish Church*, northeast of Gloucester on Virginia 14.

King and Queen County

Cumnor vicinity, *Mattaponi Church*, 0.5 mile south of Cumnor off Virginia 14.

West Virginia

Jefferson County

Charles Town vicinity, *Harewood*, west of Charles Town off West Virginia 51.
Harpers Ferry, *St. Peter's Roman Catholic Church*, corner of Church Street and Jefferson Rock Trail.
Shepherdstown, *Rumsey Hall (Entler Hotel)*, German and Princess Streets.

Marion County

Barrackville, *Barrackville Covered Bridge*, Route 21 across Buffalo Creek.

Wisconsin

Milwaukee County

Milwaukee, *Home Office, Northwestern Mutual Life Insurance Company*, 605–623 North Broadway.

Racine County

Racine, *First Presbyterian Church*, 716 College Avenue.

Wyoming

Park County

Cody vicinity, *Pahaska Tepee*, 50 miles west of Cody on U.S. 14.

ROBERT M. UTLEY,
Director, Office of Archeology and Historic Preservation.

[FR Doc.73-7837 Filed 4-30-73;8:45 am]

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Agenda and Notice of Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, May 12, 1973, at 10 a.m., at the student center, Allegany Community College in Cumberland, Md.

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

The members of the Commission are as follows:

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

The matters to be discussed at this meeting include:

1. A proposed schedule of public information meetings to bring the draft master plan and environmental impact statement to the public for review. This meeting will also emphasize canal matters in the Cumberland area.

2. The two superintendents' reports on their major activities since the last Commission meeting.

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

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

Dated April 23, 1973.

ROBERT M. LANDAU,
Acting Associate Director, National Park Service.

[FR Doc.73-8540 Filed 4-30-73;8:45 am]

HONOKOHAU STUDY ADVISORY COMMISSION

Agenda and Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Honokohau Study Advisory Commission will be held from 10 a.m. to 4:30 p.m., May 5, in the Kealakehe School Auditorium, Kailua-Kona, Hawaii.

The Honokohau Study Advisory Commission was established by Public Law 92-346 to consult with the Secretary of the Interior or his designee on matters relating to the study of the feasibility and desirability of establishing as a part of the National Park System an area comprising the site of the Honokohau National Historic Landmark and adjacent waters.

The members of the Commission are as follows:

Colonel Arthur Chun (Chairman), Kailua-Kona, Hawaii.
Reverend Henry K. Boshard, Kailua-Kona, Hawaii.
Miss Nani Mary Bowman, Honolulu, Hawaii.
Mr. Fred Cachola, Waianae, Hawaii.
Mr. Alika Cooper, Hilo, Hawaii.
Dr. Kenneth Emory, Honolulu, Hawaii.
Mr. Homer K. Hayes, Honolulu, Hawaii.
Mr. Kwai Wah Lee, Hilo, Hawaii.
Miss Iolani Luahine, Kailua-Kona, Hawaii.
Mr. George Naope, Hilo, Hawaii.
Mrs. Abbie Napeahi, Hilo, Hawaii.
Mr. George Pinehaka, Honaunau Kona, Hawaii.
Mr. David K. Roy, Kailua-Kona, Hawaii.
Mr. Pilipo Springer, Holualoa, Hawaii.
Mrs. Emily Kaai Thomas, Honolulu, Hawaii.

Items on the agenda for this meeting include the following:

1. Legislative requirements of the Commission;

2. Organization of Commission, to determine method and schedule of preparing report;

3. Planning concepts in developing report;

4. Inspection of study area.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Robert L. Barrel, State Director, Hawaii, National Park Service, Pacific International Building, 677 Ala Moana Boulevard, Suite 512, Honolulu, Hawaii 96832.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the Office of the State Director, Hawaii, and the Director, Western Region, National Park Service, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

Dated April 23, 1973.

ROBERT M. LANDAU,
Acting Associate Director, National Park Service.

[FR Doc.73-8539 Filed 4-30-73;8:45 am]

PICTURED ROCKS NATIONAL LAKESHORE ADVISORY COMMISSION

Agenda and Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Pictured Rocks National Lakeshore Advisory Commission will be held between 1:30 p.m. and 6 p.m. on Thursday, May 10, 1973, at the Pictured Rocks National Lakeshore Headquarters, Sand Point, Munising, Mich.

The Commission was established by Public Law 89-668 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Pictured Rocks National Lakeshore.

The members of the Commission are as follows:

Mr. Edward N. Locke (Chairman), Marquette, Mich.
Mr. Neal Beaver, Grand Marais, Mich.
Mr. Glenn C. Gregg, Grawn, Mich.
Mr. Francis Putvin, Munising, Mich.
Mr. David C. West, Munising, Mich.

The purpose of the meeting is to reorganize the Commisison in conformance with the requirements of Public Law 92-463 and to report on management activities, programs, and plans. The items will be accomplished and presented by the staff of the Pictured Rocks National Lakeshore. Discussions will include: Advisory Commission objectives and goals; funding and development programs; operations programs, problems and prospects; and legislative history.

The meeting at Sand Point Headquarters, Pictured Rocks National Lakeshore, approximately 4½ miles northeast of Munising, Mich., will be open to the public. Space is limited and it is expected that no more than 10 persons will be able to attend the session in addition to the Advisory Commission members and the National Lakeshore staff. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact:

Hugh P. Beattie, General Superintendent, Isle Royale National Park and Pictured Rocks National Lakeshore, Box 27, Houghton, Mich 49931—906-482-3310.

Minutes of the meeting will be available for public inspection 2 weeks after the

meeting at the Pictured Rocks National Lakeshore office at Sand Point, Munising, Mich.

Dated April 23, 1973.

ROBERT M. LANDAU,
Acting Associate Director,
National Park Service.

[FR Doc.73-8541 Filed 4-30-73;8:45 am]

Office of the Secretary

NATIONAL PARK SERVICE MIDWEST REGION ADVISORY COMMITTEE

Notice of Establishment

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463). Notice is hereby given that an advisory committee for the National Park Service Midwest Region is being established pursuant to the authority contained in section 3(c) of Public Law 91-383. A description of the nature and purpose of the committee is contained in its charter which is published below.

CHARTER

MIDWEST REGIONAL ADVISORY COMMITTEE

A. The official designation of the committee is the Midwest Regional Advisory Committee.

B. The purpose of the committee is to advise the Director, Midwest Region, National Park Service, on programs, policies, and such other matters as may be referred to it by the Director, Midwest Region.

C. In view of the goals and purposes of the committee, it will be expected to continue beyond the foreseeable future. However, its continuation will be subject to biennial review and renewal as required by section 14 of Public Law 92-463.

D. The committee files its reports and minutes with the Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.

E. Support for the committee is provided by the National Park Service, Department of the Interior.

F. The duties of the committee are solely advisory and are as stated in "B" above.

G. The estimated annual operating costs for the committee are $6,000, and involve approximately one-half man-year of time.

H. The committee meets approximately three times a year.

I. The committee will terminate on December 31, 1974, unless prior to that date renewal action is taken as described in paragraph "C" above.

Establishment of the committee described in the foregoing charter is determined to be in the public interest in connection with the performance of duties imposed on the Department by the Act of August 25, 1916, 39 Stat. 535, as amended, 16 U.S.C. 1, 2-4. Establishment of this committee is effective May 31, 1973.

Dated April 23, 1973.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

[FR Doc.73-8390 Filed 4-30-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

BURNT CREEK RESOURCE CONSERVATION AND DEVELOPMENT MEASURE PLAN FOR FLOOD PREVENTION, LEWIS & CLARK 1805 R.C. & D. PROJECT, NORTH DAKOTA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Burnt Creek resource conservation and development measure plan for flood prevention, Burleigh County, N. Dak., USDA-SCS-RD-(ADM)-73-RD-20(D).

The environmental statement concerns a plan for flood protection. The planned works of improvement include 0.7 mile of floodway and 2 miles of dikes.

This draft environmental statement was transmitted to CEQ on April 24, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, room 6121-S, 12th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, Federal Building, room 270, Rosser Avenue and Third Street, P.O. Box 1458, Bismarck, N. Dak. 58501.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the "Council on Environmental Quality Guidelines." Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Charles A. Evans, State Conservationist, Soil Conservation Service, P.O. Box 1458, Bismarck, N. Dak. 58501.

Comments must be received within 45 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

Dated April 13, 1973.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

[FR Doc.73-8506 Filed 4-30-73;8:45 am]

OGUNQUIT SAND DUNE LAND STABILIZATION MEASURE THRESHOLD TO MAINE PROJECT, MAINE

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture, has prepared a final environmental statement for the Ogunquit Sand Dune Land Stabilization Measure USDA-SCS-ES-RD-(ADM)-73-16-(F).

The environmental statement concerns a plan of stabilizing a 28-acre sand dune in the Ogunquit Village area, York County, Maine. The planned works of improvement include restoring and stabilizing a 28-acre barrier dune through the placement of sand, plantings of vegetation, and the installation of erosion and pedestrian control measures.

This final environmental statement was filed with CEQ on April 24, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Soil Conservation Service, Washington office, South Agriculture Building, room 5105A, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Soil Conservation Service, Federal Office Building, Orono, Maine 04473.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality guidelines.

Dated April 19, 1973.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

[FR Doc.73-8505 Filed 4-30-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Agenda and Notice of Meeting

The Numerically Controlled Machine Tool Technical Advisory Committee of the U.S. Department of Commerce will meet May 7, 1973, at 9:30 a.m., in room 4830 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

(1) Opening remarks by the Deputy Assistant Secretary for East-West Trade, Steven Lazarus.

(2) Overview of Export Control program, including status of decontrol activity respecting non-numerically controlled machine tools under unilateral controls, by the Director, Office of Export Control, Rauer H. Meyer.

(3) Election of chairman.
(4) Presentation of papers or comments by the public.
(5) Review by OEC official of current controls on numerically controlled machine tools, including report on any decontrol action effected since August 1972.
(6) Technical problems relating to export control coverage of numerically controlled machine tools.
(7) Licensing procedures relating to numerically controlled machine tools.
(8) Foreign availability of types of numerically controlled machine tools currently under control, including extent of U.S. participation and use of U.S. technology.
(9) Executive session:
(a) Background of U.S. and COCOM control program and strategic criteria.
(b) Technical problems:
(1) Use of numerically controlled machine tools in production of parts and components for military and civilian use.
(2) Significant parameters of such equipment from the strategic standpoint, including adequacy of present control definition or coverage.
(c) Foreign availability, including state of the art in U.S.S.R., Eastern Europe, and People's Republic of China.
(d) Licensing control over technology related to numerically controlled machine tools.
(10) Problems remaining to be discussed at next meeting.
(11) Adjournment.

This will be the first meeting of the Numerically Controlled Machine Tool Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross-section of the numerically controlled machine tool industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a 2-year term.

The public will be permitted to attend the discussion of agenda items 1–8, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (9), "Executive Session," the Acting Assistant Secretary of Commerce for Administration on April 6, 1973, determined, pursuant to section 10(d) of Public Law 92–463 that this agenda item should be exempt from the provision of section 10(a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202–967–4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated April 26, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73-8537 Filed 4-27-73;11:41 am]

National Oceanic and Atmospheric Administration

GROUNDFISH FISHERIES

Closure of Season

Notice is hereby given pursuant to § 240.13(b), Title 50, Code of Federal Regulations, as follows:

On April 26, 1973, the Director, National Marine Fisheries Service, was notified by the Executive Secretary of the International Commission for the Northwest Atlantic Fisheries that the accumulative and prospective catch of haddock in Division 4x of Subarea 4 had equalled 100 percent of the allowable yearly catch permitted under § 240.10.

I hereby announce that the season for taking haddock without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours local time in the area affected May 1, 1973. The restriction will remain in effect until 0001 hours on the first day of January, 1974.

Issued at Washington, D.C., and dated April 30, 1973.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.73-8686 Filed 4-30-73;11:56 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE'S EXECUTIVE SUBCOMMITTEE

Notice of Public Meeting

On May 7, 1973, the National Highway Safety Advisory Committee's Executive Subcommittee will hold an open meeting at the Hyatt Regency O'Hare, 9300 West Bryn Mawr, Rosemont, Ill. (O'Hare International Airport).

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Executive Subcommittee will meet from 9 a.m. to 3:30 p.m. with the following agenda:

Review of Department's response to November committee resolution on removal of highway hazards.
Preliminary report of ad hoc task force on adjudication.
Report of Subcommittee on Research and Program Development.
Report of Subcommittee on Standards Implementation—Colorado Springs Conference.
Plan agenda for Full Committee meeting of May 24–25.
New business.

This notice is given pursuant to section 10(a)(2) of Public Law 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202–426–2872.

Issued on April 26, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-8487 Filed 4-30-73;8:45 am]

[Docket No. 73-11 Notice 1]

ODOMETER STUDY

Improved Reliability and Tamper-Proof Design

The purpose of this notice is to solicit information from interested persons on the extent to which the reliability of motor vehicle odometers can be improved and on the technical feasibility of producing odometers which are tamper-proof.

The Motor Vehicle Information and Cost Savings Act, Public Law 92–513, prohibits a variety of acts that affect the odometer so as to misrepresent the actual miles traveled by a motor vehicle. With a view to future action, the act requires a report by the Secretary of Transportation of plans and recommendations for further odometer regulation, to include a study of reliable and tamper-proof odometer design. This study is due October 20, 1973, and will address the possibility of improving the measuring accuracy of the odometer throughout its installed life and the feasibility of constructing the odometer system to make interference with its measuring function impossible.

This study will have a potentially great impact on the future design of odometers. The National Highway Traffic Safety Administration therefore solicits all information and supporting technical data relevant to improved odometer reliability and tamper-resistant design. Comments are particularly encouraged from odometer designers and manufacturers, automobile manufacturers, odometer repair and adjustment businesses, and designers of related tamper-proof metering systems for taxis and utilities.

Interested persons are invited to submit written data, views, or arguments. Comments should address all relevant aspects of the reliability and tampering problem. Particular attention should be directed to the following considerations:

(1) The reliability of present odometer systems and the technical feasibility and cost of improving their reliability.

(2) The availability and cost of new odometer systems with improved reliability.

(3) The effectiveness of present techniques to make odometers tamper-resistant.

(4) The availability and cost of new odometer designs to improve odometer tamper-resistance.

(5) The possiblity and cost of constructing a tamper-proof odometer.

Any discussion of reliability and tamper-resistance should assume mass production and installation of the odometer.

It is requested that comments contain supporting statements and data to justify all conclusions and recommendations. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5219, 400 Seventh Street SW., Washington, D.C. 20590. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on the comment closing date stated below will be considered in the preparation of the report and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the comment closing date will also be considered by the Administration.

The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Comment closing date.—August 1, 1973.

(Sec. 413, Public Law, 92-513, 86 Stat. 963; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on April 20, 1973.

ELWOOD T. DRIVER,
Acting Administrator
for Motor Vehicle Programs.

[FR Doc.73-8486 Filed 4-30-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-315 ED, 50-316 ED]

INDIANA & MICHIGAN ELECTRIC CO. AND INDIANA & MICHIGAN POWER CO.

Notice and Order for Evidentiary Hearing

In the matter of Indiana & Michigan Electric Co. and Indiana & Michigan Power Co. (Donald C. Cook Nuclear Plant, units 1 and 2).

Take notice that in accordance with the Atomic Safety and Licensing Board's ruling made at a prehearing conference held on April 25, 1973, the evidentiary hearing in this construction permit extension date proceeding shall commence on May 8, 1973, at 10 a.m., local time, in Courtroom 305, Hall of Justice, 333 Monroe NW., Grand Rapids, Mich. 49502.

The evidentiary hearing shall extend through May 11, 1973. If a further hearing is determined to be necessary, it shall be reconvened on May 15, 1973, at a time and place to be established during the initial hearing.

It is so ordered.

Issued at Washington, D.C., this 26th day of April 1973.

ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73-8438 Filed 4-30-73;8:45 am]

[Dockets Nos. 50-424—50-427]

GEORGIA POWER CO.

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and part 2, rules of practice, notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Georgia Power Co. (the applicant), for construction permits for four pressurized water nuclear reactors designated as the Alvin W. Vogtle Nuclear Plant Units 1, 2, 3, and 4 (the facilities), each of which is designed for initial operation at approximately 3,411 thermal megawatts with a net electrical output of approximately 1,100 megawatts. The proposed facilities are to be located at Burke County, Ga. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The Board will be designated by the Atomic Energy Commission (Commission) or the Chairman of the Atomic Safety and Licensing Board Panel. Notice as to its membership will be published in the FEDERAL REGISTER.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on items 1-3, a negative finding on item 4, and an affirmative finding on item 5 specified below as a basis for the issuance of construction permits to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construction the proposed facilities;

3. Whether the applicant is financially qualified to design and construction the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of appendix D of 10 CFR part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceed-

ing contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board wil lconsider and initially decide, as issues in this proceeding, items 1–5 above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, at a time and place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of appendix D of 10 CFR part 50, (1) determine whether the requirements of section 102 (2), (C) and (D) of NEPA and appendix D of 10 CFR part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated February 8, 1973, and amendments thereto, and the applicant's environmental report dated August 1, 1972, which are available for public inspection at the Commission's public document room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents will also be made available at the Burke County Library, Fourth Street, Waynesboro, Ga. 30830, for inspection by members of the public between the hours of 10 a.m. and 9 p.m. on Monday, 10 a.m. and 6 p.m. Tuesday through Friday; and 10 a.m. and 1 p.m. on Saturday. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than May 31, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding, must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's public document room, 1717 H Street NW., Washington, D.C., not later than May 31, 1973. A petition for leave to intervene which is not timely filed will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than May 21, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's public document room, 1717 H Street NW., Washington, D.C. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to George F. Trowbridge, Esq., Shaw, Pittman, Potts Trowbridge, 910 17th Street NW. Washington, D.C. 20006, attorney for the applicant.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Md., this 26th day of April 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-8553 Filed 4-30-73;8:45 am]

[Dockets Nos. 50-428, 50-429, 50-430]

WESTINGHOUSE ELECTRIC CORP.

Notice of Application for Consideration of Issuance of Facility Export License

Correction

In FR Docs. 73-7737, 73-7738, and 73-7739, appearing at pages 10034 and 10035, in the issue of Monday, April 23, 1973, in the first line of the fourth from the last paragraph, insert before the word "on", the word "unless".

CIVIL AERONAUTICS BOARD

[Docket No. 25095]

GREAT LAKES AIRLINES LTD.

Notice of Prehearing Conference and Hearing Regarding Renewal of Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on May 24, 1973, at 10 a.m. (local time) in room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

Notice is also given that the hearing in this case may be held immediately following the conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 17, 1973.

Dated at Washington, D.C., April 25, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-8483 Filed 4-30-73;8:45 am]

[Docket No. 25094]

GREAT LAKES AIRLINES LTD.

Notice of Prehearing Conference and Hearing Regarding Amendment of Permit To Authorize Inclusive Tour Charter Flights

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on May 24, 1973, at 11 a.m. (local time) in room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

Notice is also given that the hearing in this case may be held immediately following the conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 17, 1973.

Dated at Washington, D.C., April 25, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-8484 Filed 4-30-73;8:45 am]

[Docket No. 25264]

STANLEY G. WILLIAMS AND SOUTHERN AIR TRANSPORT, INC.

Notice of Hearing Regarding Acquisition of Control

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 30, 1973, at 10 a.m. (local time), in room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 24, 1973, and other documents which are in the docket of this proceeding on file in the docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 25, 1973.

[SEAL] MILTON H. SHAPIRO,
Administrative Law Judge.

[FR Doc.73-8485 Filed 4-30-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

MARYLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland State Advisory Committee to this Commission will convene at 8 p.m. on May 3, 1973, in room G-20 of the Social Security Administration Building, 6401 Security Boulevard, Woodlawn, Md. 21235.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of this meeting shall be to provide an opportunity for the full State advisory committee to hear reports on program agenda for fiscal year 1974 from the subcommittees on education, employment, housing, Indian affairs, and sex discrimination.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 25, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-8430 Filed 4-30-73;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee to this Commission will convene at 3 p.m. on May 1, 1973, at the Chinatown Planning Council, 45 East Broadway, New York, N.Y. 10007.

Persons wishing to attend this meeting should contact the Chairman, or the Northeastern Regional Office, room 1639, 26 Federal Plaza, New York, N.Y. 10007.

The purpose of this meeting shall be to activate the Asian American Subcommittee of the New York State Advisory Committee, and to discuss program plans for the balance of fiscal year 1973 and begin plans for fiscal year 1974.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 24, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-8433 Filed 4-30-73;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Notice of Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee to this Commission will convene at 9:30 a.m. on May 3, 1973, in the Plantation Room of the Albert Pick Motel, 96 Northeast Loop 410, San Antonio, Tex. 78216.

Persons wishing to attend this meeting should contact the Chairman, or the Southwestern Region Office of the Commission in room 249, New Moore Building, 106 Broadway, San Antonio, Tex. 78206.

The purpose of this meeting shall be to discuss programing on Women's Rights, Texas legislation on human relations commissions, the Commission's national prison study, voting irregularities in southern Texas, school financing, and civil rights problems related to revenue sharing.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 25, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-8431 Filed 4-30-73;8:45 am]

VERMONT STATE ADVISORY COMMITTEE

Notice of Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont State Advisory Committee to this Commission will convene at 7:30 p.m. on May 3, 1973, in the Tavern Motor Inn, Montpelier, Vt. 05602.

Persons wishing to attend this meeting should contact the Chairman, or the Northeastern Regional Office of the Commission, room 1639, 26 Federal Plaza, New York, N.Y. 10007.

The purpose of this meeting shall be to discuss with the full State Advisory Committee a proposed outline for a report on higher education in the State of Vermont.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 25, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-8432 Filed 4-30-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality from April 9 through April 13, 1973.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202-447-7803.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Final

Cooperative 1973 gypsy moth suppression program, April 4: The statement refers to a program for the suppression and/or regulation of the gypsy moth. USDA would cooperate with State officials of Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, in the treatment of 280,000 acres. The agents to be used are carbaryl, trichlorfon, and bacillus thuringiensis. The most significant adverse effect considered is that of the reduction of beneficial insects and soil arthropods (265 pages). Comments made by: HEW, EPA, and agencies of several States and concerned citizens. (ELR Order No. 00566.) (NTIS Order No. EIS 73 0566-F.)

FOREST SERVICE

Draft

Timber Management Plan, Kootenai National Forest, Montana and Idaho, April 6: The project proposes a timber management plant for the Kootenai National Forest. The plan is to provide an orderly and sustained guidance for developing the timber growing capacity of the national forest. Adverse impacts include construction of forest-wide roads, loss of wildlife habitat, erosion and siltation, and increased air pollution (58 pages). (ELR Order No. 00592.) (NTIS Order No. EIS 73 0592-D.)

Herbicide use, Olympic, Mount Baker, Snoqualmie, and Gifford Pinchot National Forests, several counties in Washington, April 9: The statement refers to a proposed program for the use of the herbicides Amitrole, Dicamba, 2,4-D, 2,4,5-H, Silvex and Picloram on the Olympic, Mount Baker, Snoqualmie, and Gifford Pinchot National Forests. The purposes of the action includes the control of vegetation which interferes with crop trees, is poisonous to livestock, or is classified as noxious on agricultural land. Additional purposes are the improvement of wildlife habitat and the reduction of rodent populations. The use of the chemicals will put herbicides into the environment in varying amounts; nontarget species will be hit. Very little is known about the effects of these herbicides upon plant and wildlife communities. Comments made by: USDA, DOC, COE, HEW, HUD, DOT, and EPA. (ELR Order No. 00608.) (NTIS Order No. EIS 73 0606-F.)

Herbicide control of sagebrush and wyethia, several counties in Wyoming, April 5: The statement refers to the proposed use of the herbicide 2,4-D on 2,000 acres of sagebrush and wyethia covered land annually. The chemical may find its way to water supplies and to the soil; nontarget species will be affected. Among the animal species for which sagebrush provides food and/or cover are grouse, elk, and mule deer (26 pages). Comments made by: EPA and USDA. (ELR Order No. 00576.) (NTIS Order No. EIS 73 0576-F.)

ATOMIC ENERGY COMMISSION

Contact: For Nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202-973-5391.

For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, 202-973-7373, Washington, D.C. 20545.

Final

Calvert Cliffs Nuclear Power Plant, Calvert County, Md., April 9: The proposed action is the continuation of construction permits and the issuance of operating licenses to the Baltimore Gas & Electric Co., for the 2 unit plant. Each unit will employ a pressurized water reactor to produce 2,560 MWt and 845MWe (net). Waste heat of 3,500 MWt (total at full power) will be dissipated by pumping 5,500 cfs of Chesapeake Bay water through steam condensers, and returning it to the bay at 10° above ambient. The plant occupies a 1,135-acre site, 100 acres of forest having been converted to industrial use. Radioactive effluent will consist of 5 curies of liquid waste, 1,000 of tritium, and 3,500 of gaseous waste per unit annually (approximately 320 pages). Comments made by: AHP, USDA, COE, DOC, HEW, DOI, DOT, EPA, FPC, and State agencies and concerned citizens. (ELR Order No. 00601.) (NTIS Order No. EIS 73 0601-F.)

Salem Nuclear Generating Station, N.J., April 9: The statement refers to the proposed continuation of provisional construction permits and the issuance of operating licenses to the Public Service Electric & Gas Co., for Units 1 and 2. The two units will employ pressurized water reactors to produce outputs of 3,350 and 3,423 MWt, and 1,090 and 1,115 MWe (net) respectively. Cooling water will be drawn from and returned to the Delaware River (at 13.3° F. above ambient). Several hundred acres of marsh released to the environs (286 pages). Comments made by: AHP, USDA, DOC, HUD, HEW, DOI, DOT, EPA, and FPC. (ELR Order No. 00602.) (NTIS Order No. EIS 73 0602-F.)

Peach Bottom Power Station, York County, Pa., April 13: The statement refers to the proposed continuation of construction permits and the issuance of an operating license to the Philadelphia Electric Power Co. for units 2 and 3 of the station. The two units will employ identical boiling water reactors to produce a total of 6,586 MWt and 2,130 MWe, with "stretch" capacities of 6,880 MWt and 2,226 MWe. Exhaust steam will be cooled by a once through flow from the Susquehanna, and by forced draft towers when needed. The AEC staff believes that thermal effects are understated by the applicant and that there is significant potential for extensive thermal damage to the biological community within Conowingo Pond (approximately 500 pages). Comments made by: USDA, COE, DOC, DOI, DOT, FPC, and EPA. (ELR Order No. 00633.) (NTIS Order No. EIS 73 0633-F.)

North Anna Power Station, units 1-4, Louisa County, Va., April 9: The statement refers to the issuance to Virginia Electric & Power Co., of operating licenses for units 1 and 2 and construction permits for units 3 and 4. Units 1 and 2 will use pressurized reactors with anticipated outputs of 2,900 MWt and 934 MWe(net). Units 3 and 4 will produce 2,631 MWt and 907 MWe(net), and 2,763 MWt and 938 MWe(net). Cooling water will be drawn from a lake developed by the applicant. A total of 18,643 acres, much of it forest, is committed to the station; another 3,675 will be used for right-of-way. AEC states that operation of all units with the present cooling system will be detrimental to lake productivity. Modifications can be made to minimize the incremental effects of 3 and 4. Comments made by: USDA, COE, DOC, DOI, DOT, EPA, and FPC. (ELR Order No. 00609.) (NTIS Order No. EIS 73 0609-F.)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Colonel Cliff M. Whitehead, room 5E 425, The Pentagon, Washington, D.C. 20330, 202 OX 5-2889.

Final

Advanced ballistic reentry systems (ABRES), April 3: The ABRES program conducts test flights on the Western Test Range and on the White Sands Missile Range, of reentry vehicles having radioactive sensors imbedded in the nosetip and heatshield. The program is responsible for the advancement of reentry technology and systems concepts for the Service. Flights are launched from Vandenberg AFB, Calif., with impact on the Marshall Islands, and from Green River, Utah, with impact on the White Sands Missile Range in New Mexico. An adverse environmental effect would be the dispersion of a small amount (less than 3 curies) of Cobalt 57 or Tantalum 82 into the upper atmosphere from material ablation (103 pages). Comments made by: EPA, USDA, DOI, HEW, DOC, and AEC. (ELR Order No. 00559.) (NTIS Order No. EIS 73 0559-F.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-7168.

Final

Tesoro tank farm, Alaska, April 2: The proposal is for the development of a petroleum storage area, including a barge ship and landing area, an earth-fill dike, and dredged channels. The purpose of the action is that of providing fuel to the city of Juneau. Adverse effects will include alteration to some wetland and upland habitat. There will exist the potential for petroleum spills. (275 pages). Comments made by: USDA, DOC, DOI, USCG, EPA, DOT, State and local agencies. (ELR Order No. 00551.) (NTIS Order No. EIS 73 0551-F.)

Temporary navigation lock 53, Kentucky and Illinois, April 3: The statement refers to the proposed construction of a temporary navigation lock at existing lock and dam 53, in order to remove river traffic congestion. Riparian habitat will be adversely affected (35 pages). Comments made by: USDA, EPA, DOC, DOI, HEW, DOT, USCG, and OEO. (ELR Order No. 00562.) (NTIS Order No. EIS 73 0562-F.)

Chatham (Stage) Harbor, Mass., April 9: The statement refers to the proposed maintenance dredging of the lower portion of the harbor's navigation channel. Approximately 20,000 yd^3 of bottom sediment will be removed. Marine ecosystems at the sites of dredging and dumping will be damaged

(Waltham district) (36 pages). Comments made by: EPA, USCG, HUD, and OEO. (ELR Order No. 00604.) (NTIS Order No. EIS 73 0604–F.)

New York Harbor anchorages, New York, April 5: The project entails the improvement by dredging of two existing anchorage areas in New York to permit use by freighters and oil tankers of greater length and depth. An area of 1,260 acres will be dredged, with the disposal of the dredged material in the New York Bight. The project will eliminate pollution tolerant organisms inhabiting the area and cause an increase in water turbidity (54 pages). Comments made by: USDA, USCG, DOC, DOD, DOI, DOT, EPA, regional, and State agencies. (ELR Order No. 00575.) (NTIS Order No. EIS 73 0575–F.)

Cleveland Harbor, Cuyahoga County, Ohio, April 5: The statement refers to the proposed construction of a 2,880,000 yd³ capacity diked disposal area. Aquatic life will be adversely affected (92 pages). Comments made by: EPA and DOI. (ELR Order No. 00574.) (NTIS Order No. EIS 73 0574–F.)

Mooring Facilities, Ohio River, Ohio, April 12: The statement refers to the proposed construction and maintenance of mooring facilities at various sites in the Ohio River system. The anchorage would be primarily for use in emergency situations. An unspecified amount of riparian habitat would be committed to the action (Ohio River division) (65 pages). Comments made by: USDA, DOC, HEW, DOI, DOT, EPA, FPC, OEO, and TVA. (ELR Order No. 00628.) (NTIS Order No. EIS 73 0628–F.)

Verdigris River dock, Oklahoma, April 9: The statement refers to the proposed construction of a barge docking facility of the Verdigris River. An unspecified amount of land will be affected by dredging and dumping operations (26 pages). Comments made by: USDA, DOI, DOT, and EPA. (ELR Order No. 00603.) (NTIS Order No. EIS 73 0603–F.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, room 3630, Waterside Mall, Washington, D.C. 20460, 202–755–0940.

Final

Sope Creek, Cobb County sewerage project, Cobb County, Ga., April 12: The document is a final amendment to a statement which was filed on July 28, 1971 (NTIS Order No. PB–189 858–F; ELR Order No. 259). The amendment provides additional information on the system's expected impact to the Sope Creek Watershed, and elaborates on the steps that have been taken to preserve the historic and scenic aspects of Sope Creek (369 pages). Comments made by: USDA, COE, HEW, State, and local agencies and concerned citizens.

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Rod Kreger, Acting Administrator, GSA–AD, Washington, D.C. 20405, 202–343–6077.

Draft

Federal Office Building, New Bedford, Bristol County, Mass., April 2: The proposed action is the construction of a new building to house the Treasury Department; Department of Health, Education, and Welfare; Department of Defense and seven other Federal agencies. The facility will consist of approximately 30,000 gr ft² on a site of approximately 50,000 ft², located in the downtown business district within the West End Redevelopment project area. Approximately 60 onsite parking spaces will be provided (27 pages). (ELR Order No. 00552.) (NTIS Order No. EIS 73 0552–D.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use, Planning Division, Washington, D.C. 20410, 202–755–6186.

Final

Alamo Plaza Urban Renewal Project, Colo., April 5: The statement refers to a conventional urban renewal effort in Colorado Springs to remove substandard structures and dwelling units from a four-block area in order to make the land available for development. Blighted and substandard structures will be replaced with a public parking garage, 350,000 ft of commercial space, housing of a type to be determined by market studies, a motor hotel, housing for the elderly, and open space. Approximately 129 businesses, 28 families, and 17 individuals will be relocated from 84 structures (71 pages). Comment made by: COE. (ELR Order No. 00579.) (NTIS Order No. EIS 73 0579–F.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

Final

International Convention on World Heritage, April 11: The statement refers to the proposed international convention on a World Heritage. An agreement by the convention would lead to the establishment of an international system for identifying, protecting, conserving, preserving, and transmitting to future generations natural and cultural heritage that is of outstanding universal value. The international system would function within UNESCO at Paris. The convention was concluded on November 16, 1972, and will become operative when ratified by 20 nations. (The text of the convention is appended to the statement.) (52 pages.) Comments made by: USDA, AHP, DOI, and STAT. (ELR Order No. 00621.) (NTIS Order No. EIS 73 0621–F.)

Bonneville Power Administration Fiscal 1974 Program, Washington, Oregon, and Idaho, April 5: The statement refers to legislation for BPA's proposed program for fiscal year 1974. The program will involve the construction of additions to the transmission system, substations, structures, and access roads in Washington, Oregon, Idaho, Wyoming, and Montana. Adverse environmental impacts will include the disturbance of topsoil, water erosion, stream siltation, and the reduction of scenic qualities. The use of herbicides will affect wildlife habitat (two volumes). Comments made by: USDA, EPA, DOI, FPC, AEC, HUD, USA, and AHP. (ELR Order No. 00587.) (NTIS Order No. EIS 73 0587–F.)

BUREAU OF LAND MANAGEMENT

Draft

Planet Townsite Land Exchange, Mohave County, Ariz., April 4: The proposal is for two land exchanges involving a total of 9,646 acres of public land along the Bill Williams River, in order to consolidate private and State holdings for the development by Arizona Ranch and Metal Co., of a planned city of 7,000 families on 11,980 acres. Adverse impact will include possible minor climatic changes; change in vegetation; diversion of water from agricultural use and degradation of quality; and displacement of wildlife (97 pages). (ELR Order No. 00567.) (NTIS Order No. EIS 73 0567–D.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Topock Marsh Unit, Havasu National Wildlife Refuge, Mohave County, Ariz., April 5: The proposal is for a habitat enhancement project. Included would be diking for water management; channeling to improve regulation; and levee and sediment basin construction. There may be some reduction of microorganisms (52 pages). (ELR Order No. 00586.) (NTIS Order No. EIS 73 0586–D.)

NATIONAL PARK SERVICE

Draft

Lindenwald National Historic Site, Columbia County, N.Y., April 11: The proposal is for the designation of Lindenwald, the home of Martin Van Buren, as a national historic site. Also involved is the construction of an orientation facility and a visitor parking area on the 42-acre site. The present occupant would be relocated (17 pages). (ELR Order No. 00619.) (NTIS Order No. EIS 73 0619–D.)

Final

Great Sand Dunes, Colo., April 11: The statement refers to a legislative proposal that 29,255 acres of the Great Sand Dunes National Monument be designated as wilderness within the National Wilderness Preservation System. Impacts discussed in the statement include ecological, social, and economic considerations (93 pages). Comments made by: USDA, DOC, DOI, DOT, EPA, and FPC. (ELR Order No. 00624.) (NTIS Order No. EIS 73 0624–F.)

Willow Creek Recreation Site, Rio Arriba County, N. Mex., April 11: The statement refers to the proposed construction of roads, parking areas, underground utilities, a well, and a sewage lagoon at the recreation area, which is a boating facility at Lake Heron. The completion of the project would draw large numbers of people to what would be an incomplete development site. Sanitation, safety, and resource protection problems would be aggravated (68 pages). Comments made by: USDA, COE, EPA, and DOI. (ELR Order No. 00622.) (NTIS Order No. EIS 73 0622–F.)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Ralph E. Cushman, Special Assistant, Office of Administration, NASA, Washington, D.C. 20546, 202–962–8107.

Draft

California, April 10: The statement refers to a subsidiary project of the space shuttle program (for which a statement was filed July 25, 1972, ELR Order No. 4939, NTIS Order No. EIS 72 4939–F). Involved here is the establishment of a Main Engine Component and Subsystem Test Site at Air Force Plant 57, Santa Susana Field Laboratory. Existing facilities, equipments, and systems provided under the Apollo program are capable, with modifications, of supporting the testing requirements. Increased noise levels generated by the tests will affect surrounding communities (69 pages). (ELR Order No. 00611.) (NTIS Order No. EIS 73 0611–D.)

NATIONAL SCIENCE FOUNDATION

Contact: Dr. Thomas O. Jones, Deputy Assistant to the Director, National and International Programs, room 703, Washington, D.C. 20550, 202–632–4180.

Final

Replacement pier, San Diego County, Calif., April 10: The proposed project is the construction of a replacement pier, pier and wharf at the Nimitz marine facility, University of California. Dredging operations will temporarily affect marine biota (46 pages). Comments made by: DOC, DOD,

HUD, and DOI. (ELR Order No. 00613) (NTIS Order No. EIS 73 0613-F.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, D.C. 20590, 202-466-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Kenai Municipal Airport, Alaska, April 12: The proposed project involves installing precision approach aids consisting of a localizer, glide slope, middle marker, and outer marker to serve the municipal airport at Kenai. The outer marker will be located within the boundaries of the Kenai National Moose Range. Animals in the vicinity of the construction activity may migrate out of the area (18 pages). (ELR Order No. 00627) (NTIS Order No. EIS 73 0627-D.)

Heavener Municipal Airport, Leflore County, Okla., April 11: The proposed project provides for the acquisition of 15 acres of land for the construction of the north/south runway and north clear zone. Construction of a paved runway 60 by 2800 feet; installation of medium-intensity runway lights; and installation of VASI are contemplated (21 pages). (ELR Order No. 00617) (NTIS Order No. EIS 73 0617-D.)

Final

Isley Field, Saipan, April 11: The statement refers to the proposed reactivation of the presently unused airport for use as the airport for the island of Saipan, Marianas, and the government headquarters for the Trust Territory of the Pacific. Extending, paving, and lighting of runways, taxiways, and aprons is involved, along with the construction of terminal facilities. Areas to be cleared of brush will be lost to use by wildlife of the island. The proposed facilities will be capable of handling intercontinental turbojet aircraft. (The existing facilities at Kobler Field, 0.75 mile from Isley, cannot be economically expanded to meet this need.) (259 pages). Comments made by: USDA, EPA, USN, DOI, DOT, USAF, HEW, and DOC. (ELR Order No. 00616) (NTIS Order No. EIS 73 0616-D.)

Valdosta Municipal Airport, Lowndes County, Ga., April 11: The proposed project is the expansion of runway 17-35 and related facilities to accommodate 70 percent of the basic transport fleet of turbojet-powered aircraft weighing less than 60,000 pounds. Approximately 82.6 acres of land will be committed to the project. Increased noise levels and air pollution will result (74 pages). Comments made by: EPA, USDA, DOI, HUD, HEW, and DOT. (ELR Order No. 00614) the Hartesetle city limits. Approximately 20

FEDERAL HIGHWAY ADMINISTRATION

Draft

Alabama State Route 36, Morgan County, Ala., April 2: The proposed project consists of improving a part of Alabama 36 in Hartsville from U.S. 31 to Interstate 65, and constructing a new two-lane highway from U.S. 31 at Longhorn Pass to Alabama 36 west of the Hartselle city limits. Approximately 20 acres of rural land will be acquired for right-of-way; 18 families and 3 businesses will be displaced (67 pages). (ELR Order No. 00556) NTIS Order No. EIS 73 0556-F.)

Inner Belt Loop, Charlotte, Mecklenburg, N.C., April 3: The project proposes to provide a four-lane thoroughfare in the southeastern quadrant of the Charlotte urban area. The facility, which will extend from York Road (North Carolina 49) to Central Avenue, is approximately 8.4 miles in length. Adverse impacts include acquisition of right-of-way, displacement of nine families, loss of esthetic quality by tree removal, and erosion and siltation (91 pages). (ELR Order No. 00560) (NTIS Order No. EIS 73 0560-D.)

Loop 201, modification of approved design, Harris County, Tex., April 9: The project contemplates partial modification of previously approved design features on partially constructed Loop 201. Major modifications include providing three lanes in each direction instead of two; providing a three-level diamond interchange instead of the cloverleaf interchange design; and providing three-lane frontage roads where necessary. Two houses and one business will be displaced due to additional right-of-way requirements (26 pages). (ELR Order No. 00600) (NTIS Order N. EIS 73 0600-D.)

I 90, Asahel Curtis Interchange to Snoqualmie Summit, King County, Wash., April 9: The proposed project consists of upgrading 5.14 miles of existing I 90 (State Route 90) west of Snoqualmie Pass to current interstate standards. Contemplated is the conversion of the existing four-lane highway to eastbound traffic alone, with a three-lane westbound roadway to be constructed on the opposite side of the upper Snoqualmie River Valley. Approximately 153.5 acres of land are required for right-of-way (264 pages). (ELR Order No. 00610) (NTIS Order No. EIS 73 0610-D.)

Final

Alabama 21, Jacksonville to Piedmont, Calhoun County, Ala., April 5: The statement refers to the proposed improvement of existing two-lane State Route 21 to a four-lane facility from Jacksonville to Piedmont, a distance of approximately 9.45 miles. Adverse effects are acquisition of an unspecified amount of rural land and dislocation of 32 families and 1 business (41 pages). Comments made by: EPA, COE, HUD, DOI, USDA, DOT, HEW, State, and regional agencies. (ELR Order No. 00570) (NTIS Order No. EIS 73 0570-F.)

Interstate 630, Little Rock, Pulaski County, Ark., April 13: The proposed project is the construction of approximately 7.4 miles of six-lane interstate facility in Little Rock. The complete project will connect Interstate Routes 30 and 430 and will be constructed entirely on new location. Approximately 354 dwelling units housing approximately 1,436 people, and 30 businesses will be displaced. Noise and air pollution will increase for residents near the route (43 pages). Comments made by: USDA, USA, DOI, STAT, and State and local agencies. (ELR Order No. 00637.) (NTIS Order No. EIS 73 0637-F.)

I 70, Garfield County, Colo., April 13: Proposed construction of an 11 mile segment of I 70, from 3 miles west of Rifle to Silt. Flood plain and riparian ecosystems will be damaged by the action; an unspecified amount of land and eight residences will be committed to the project (126 pages). Comments made by: USDA and EW2. (ELR Order No. 00639.) NTIS Order No. EIS 73 0639-F.)

State Road 50, Lake County, Fla., April 5: The proposed project involves the multilaning of a segment of State Road 50 from its intersection with State Route 561 eastward to the Lake County-Orange County line, a distance of approximately 7.2 miles. Adverse effects include increased noise levels, disruption of the public during construction, possible undesirable developmental patterns, and degradation of water quality due to stormwater discharges (173 pages). Comments made by: EPA, HEW, DOI, DOT, and State and local agencies. (ELR Order No. 00571.) (NTIS Order No. EIS 73 0571-F.)

Jackson County Airport, Jackson County, N.C., April 11: The proposed project involves the purchase of approximately 154 acres of land to develop a new basic utility airport capable of accommodating all propeller aircraft of less than 12,500 pounds. Initial construction will consist of grading and paving a 3,400 by 50 foot runway, a 300 by 150 foot aircraft parking apron, a 250 by 30 foot stub taxiway the installation of a medium intensity lighting system, a 36 inch rotating beacon, four hazard beacons, and a terminal building. Ultimate development consists of constructing T-hangers, parallel taxiway, etc. The air and noise pollution levels will increase (54 pages). Comments made by: USDA, EPA, DOI, and DOT. (ELR Order No. 00615.) (NTIS Order No. EIS 73 0615-F.)

Loop 499, Harlingen, Cameron County, Tex., April 2: The statement refers to the proposed construction of Loop 499 in Harlingen from Loop 448 at Montezoma Avenue to Loop 448 at Ed Corey Drive, a distance of approximately 6.8 miles. One family, four businesses, and one nonprofit organization will be displaced. Approximately 125 acres are required for right-of-way (47 pages). Comments made by: USDA, COE, EPA, DOI, DOT, IBWC, local, and one regional agency. (ELR Order No. 00557) (NTIS Order No. EIS 73 0557-F.)

State Highway 360, Tarrant and Ellis Counties, Tex., April 13: The statement refers to the proposed improvement of 28 miles of State Highway 360 to a four-lane freeway extending from south of Grapevine, to U.S. Highway 287. Approximately 2,000 acres and an unspecified number of residences would be lost to the project (67 pages). Comments made by: USDA, EPA, HEW, DOI, DOT, COE, State, and local agencies. (ELR Order No. 00640) (NTIS Order No. EIS 73 0640-F.)

I 15-I 80 Interchange, Utah, April 13: The statement refers to the proposed construction of an interchange between Interstate Route 80 and Interstate Route 15 to be located 3 miles west of downtown Salt Lake City. Approximately 13.5 miles of roadway will be built requiring 259 acres of right-of-way and the acquisition of 22 residences and 2 businesses (155 pages). Comments made by: USDA, EPA, HUD, HEW, DOI, and DOT. (ELR Order No. 00641) (NTIS Order No. EIS 73 0641-F.)

Appalachian Corridor "Q", Princeton Bypass, Mercer County, W. Va., April 13: The statement refers to the proposed construction of a four-lane divided highway beginning west of the West Virginia 71-U.S. 460 intersection and extending easterly 4.8 miles to Interstate 77. Portions of Bush Creek will require relocation; 93 families and 5 businesses will be displaced (176 pages). Comments made by: USDA, COE, AHP, EPA, DOI, State, and local agencies. (ELR Order No. 00634) (NTIS Order No. EIS 73 0634-F.)

Route 29, Appalachian Corridor "Q", Mercer County, W. Va., April 13: The statement refers to the proposed construction of approximately 3 miles of four-lane highway. The facility will provide access to I 77 both to and from Bluefield and will complete a link in the Appalachian Corridor "Q" network. Between 11 and 43 families, and 2 businesses will be displaced. Adverse effects include loss of tax base, and increases in the air, noise, and water pollution levels (108 pages). Comments made by: AHP, USDA, DOC, COE, EPA, FPC, HEW, and DOI. (ELR Order No. 00636) (NTIS Order No. EIS 73 0636-F.)

Outer Belt Loop, Laramie County, Wyo., April 13: The statement considers the construction of 4.8 miles of highway, which will connect I 80 with the business district of the city of Cheyenne. One business will be displaced by the action (58 pages). Comments made by: HUD, EPA, and DOI. (ELR Order No. 00642) (NTIS Order No. EIS 73 0642-F.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Final

Marta, Ga., April 5: MARTA (Metropolitan Atlanta Rapid Transit Authority) is a

rapid transit system which will include 9 miles of subway, 16 miles of elevated rail, 25 miles of surface rail, and 14 miles of exclusive busway. The project will displace 1,381 families, 410 businesses, 11 industries, and eight public or quasi-public establishments. Nine parks, one cemetery, eight historical sites and a 35-acre archaeological site will be affected; a section 4(f) review has been filed. Other adverse impacts will consist of disruption of human and ecological communities, interference with economic activities, intrusion upon floodplain areas, and increases of noise levels (approximately 500 pages). Comments made by: USDA, COE, DOD, DOC, HUD, DOI, DOT, and EPA. (ELR Order No. 00588). (NTIS Order No. EIS 73 0588-F.)

U.S. COAST GUARD

Final

USCG Fire Test Facility, Ala., April 10: The statement refers to the proposed berthing of the 460 foot cargo ship the *Mayo Lykes* at Little Sand Island in Mobile Bay, for use as a fire test platform. The testing consists of lighting an appropriate fire aboard the vessel and observing the fire fighting technique in question. The fires will use oil transported from USCG Base, Mobile as fuel. Adverse effects include possible water pollution from the test fuel and extinguishing agents, and air pollution from test smoke (20 pages). Comments made by: EPA, COE, DOI, and DOT. (ELR Order No. 00612.) (NTIS Order No. EIS 73 0612-F.)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-8511 Filed 4-30-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE

Notice of Public Meeting

APRIL 24, 1973.

Panel 7 (Interconnection) of the Cable Television Technical Advisory Committee will hold an open meeting on Tuesday, May 8, 1973, at 9:30 a.m. The meeting will be held at TelePrompter Research Lab, Brentwood Square, 11661 San Vicente Boulevard, suite 303, Los Angeles, Calif.

The agenda of the meeting will include:

1. Chairman's report of activities.
2. Review of minutes of the March 6, 1973, meeting.
3. Reports of the 6 working groups.
4. Review of the overlap of panel 7 with panels 3, 5, and 9.
5. Establish milestones for accomplishing the work of each group.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-8439 Filed 4-30-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to certificates of financial responsibility (oil pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to part 542 of title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01017---	Westfal-Larsen & Co. A/S: *Samranger.*
01034---	Graff-Wang & Evjen: *Sam Bya.*
01055---	Farrell Lines Inc.: *African Crescent.*
01073---	N.V.T.V.V.D. Koninklijke Hollandsche Lloyd: *Montferland Zaanland.*
01094---	St. Andrews Shipping Co. Ltd.: *Dunadd Dunkyle.*
01550---	Shahristan Steamship Co. Ltd.: *Baltistan.*
01574---	Fearnley & Eger: *Fernbrook.*
01641---	The Bank Line Ltd.: *Foyle Bank.*
01727---	AB Clipperline: *Orient Clipper.*
01762---	Skipsaksjeselskapet "KIM": *Mai Bente.*
01857---	OHG. I. PA. Bernhard Schulte: *Gertrud Ten Doornkat.*
01861---	BP Tanker Co. Ltd.: *British Seafarer, British Valour.*
02199---	Atlantic Richfield Co.: *Sinclair No. 16.*
02330---	Oriental Shipping Corp.: *Oriental King, Oriental Light, Oriental Sky, Acclivity Prince.*
02420---	Trans-World Marine Corp.: *LB-202.*
02585---	Koch Refining Co.: *AOR 35, UM90.*
02602---	Fyffes Group Ltd.: *Camito.*
02960---	Taiyo Kalun Kabushiki Kaisha: *Taiten Maru.*
03055---	Upper Lakes Shipping Ltd.: *Conveyor, Maunaloa II.*
03441---	Japan Line K.K.: *Japan Poplar.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Hagoromo Maru.*
03794---	Galaxy Shipping Ltd.: *Fountainhead.*
03971---	Korea Shipping Corp., Ltd.: *Nam Hae.*
04004---	Koninklijke Java-China-Paketvaart Lijnen N.V.: *Straat Freetown.*
04080---	Port Arthur Towing Co.: *Crochet 410, Crochet 420.*
04449---	China Merchants Steam Navigation Co., Ltd.: *Hai Wei, Hai Min, Hai Shang, Hai Hsin, Hai Chien, Hai King, Hai Mou, Hai Yeh, Hai Chuan, Hai Lo, Hai Jung, Hai Fu, Hai Dah, Hai Yi.*
04561---	Magnolia Line, Inc.: *Crystal Pinus, Crystal Kobus, Crystal Magnolia, Crystal Margaret.*
04564---	Yamashita-Shinnihon Kisen Kaisha: *Yamataka Maru.*
05131---	Argo NAH-OST Linie GMBH, Bremen: *Alphard.*
05438---	Time Lines (Panama) Ltd. S.A.: *Tyn Lee, Tien Ning, Tien Hong.*
05773---	Paducah Marine Ways Inc.: *Seminole, FBL-538, T-222, ST 12, St 16.*
06435---	Dampskibsaktieselskabet Den Norske Afrika-Og Australielinie, Wilhelmsens Damp- . . A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: *Terrier, Toreador.*
06540---	Golden Ocean Shipping Corp.: *Golden Ocean.*
06607---	Consolidation Marine Corp.: *Narcissus.*
06630---	Marlineas Transmundo S.A.: *Sparta.*
06966---	Seatrader Maritime Inc.: *Ruthie Michaels.*
06968---	Ocean Service, Ltd.: *Bulk Gold.*
07113---	Cape Sable Shipping Ltd. Limassol/Cyprus: *Cape Sable.*
07114---	Artemis Navigation Co., Ltd.: *Suzeric.*
07561---	Gulf Atlantic Transport Corp.: *Gatco 105.*
07685---	Tanker Enterprises, Inc.: *Stolt Pasadena.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-8489 Filed 4-30-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to part 542 of title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01150---	Chevron Transport Corp.: *Chevron Odense.*
01861---	BP Tanker Co., Ltd: *British Tay, British Kennet, British Tamar.*
01931---	Brigantine Transport Corp.: *Jesper Maersk.*
02199---	Atlantic Richfield Co.: *Atlantic Boat No. 133.*
02200---	State of Washington: *Walla Walla.*
02330---	Oriental Shipping Corp.: *Stream Hawser, Gladiolus, Geranium, Goldenrod.*
02349---	The Archontonisos Shipping Corp.: *Konstantia.*
02441---	Quebec & Ontario Transportation Co., Ltd.: *Golden Hind.*
02492---	Interstate Oil Transport Co.: *Interstate 54, Interstate 55.*
02602---	Fyffes Group Ltd.: *Magdalena.*
03055---	Upper Lakes Shipping Ltd.: *Cape Breton Miner.*
03214---	Salenrederierna Aktiebolag: *Stolt Spur.*
03223---	Rederiet for M/T Anco Span: *Stolt Span.*
03441---	Japan Line, K.K.: *Pacific Arrow.*
03490---	Sato Kisen K.K.: *Sakura Maru.*
03501---	Osaka Shosen Mitaui Senpaku K. K.: *Kohjusan Maru, Kashimasan Maru.*
03640---	Pan Ocean Bulk Carriers, Ltd.: *Pan Eastern.*
03692---	Marmac Corp.: *AT-2.*
03857---	Jones & Laughlin Steel Corp.: *MRBL-24.*
03926---	Harumi Senpaku Kabushiki Kaisha: *Koyo Maru.*
03971---	Korea Shipping Corp.: *Crystal Laurel.*
03999---	Hamilton Transport Co., Inc.: *Star Helene.*
04004---	Koninklijke Java-China-Paketvaart Lijnen N.V.: *Asian Ensign.*
04080---	Port Arthur Towing Co.: *Patco 300, Patco 301, Patco 302, Patco 303, Patco 400, Patco 401, Patco 410, Patco 420, Triton.*
04163---	Cenac Towing Co., Inc.: *Ctco 196-20.*

Certificate No.	Owner/Operator Vessels
04196	Otto Candies, Inc.: *OC-180, OC-181, OC-182, OC-183.*
04317	Ambelos Development Corp., S.A.: *Dromon.*
04625	American Commercial Lines, Inc.: *Louis H. Meece.*
05008	Star-Kist Foods, Inc.: *Reefer Star, Arequipa.*
05027	Westwind Africa Line Ltd.: *Eastwind.*
05244	Hanseatische Hochseefischerei Aktiengesellschaft: *Geeste.*
05577	Far-Eastern Shipping Co.: *Diomid, Vladivostok.*
05580	Kamchatka Shipping Co.: *Ilyichevsk, Sofijsk.*
05670	Vasco Madrilena De Navegacion S.A.: *Valle de Ayala.*
06042	Luzon Stevedoring Corp.: *Lsco Trident.*
06117	Helmut Bastian Reederei: *Condor.*
06321	Shimat Marine (Panama) S.A.: *Western Star.*
06485	Minibulk Shipping (K.M. Kaalstad): *Mini Sun, Mini Moon, Mini Sky.*
06729	Overseas Containers Ltd.: *Botany Bay, Discovery Bay, Encounter Bay, Flinders Bay, Jervis Bay, Moreton Bay.*
06830	Osaka Gyogyo Kabushiki-Kaisha: *Marunaka Maru No. 62.*
06926	South Shipping Lines-Iran Line: *Iran Niru, Iran Shahr.*
07517	C.V. Scheepvaartbedrijf "Santa Lucia": *Santa Lucia.*
07550	Erato Shipping Inc.: *Suzeric, Narcissus, Bauhinia.*
07588	Planta Colombiana de Soda Ltda.: *Salina De Manaure.*
07694	Auto Transportation Co., S.A.: *Katrin.*
07713	Helecho Shipping Corp.: *Barberbrook.*
07722	Kingsnorth Shipping Co., Ltd.: *Kingsnorth.*
07726	Union Partenreederei Ms "Blexen": *Blexen.*
07733	Ocean Trailer Transport Corp.: *Siboney.*
07747	Sea Navigation, Inc.: *Sea Navigator.*
07751	All Ocean Transportation, Inc.: *Ocean Advance.*
07752	Didimi Compania Naviera S.A.: *Monica S.*
07755	Baltica S.A. Panama: *Margitta.*
07761	Ostria Armadora S.A.: *Evros.*
07766	Transworld Shipping & Trading Co., Ltd.: *Sun Emerald.*
07770	Drado Shipping Co., Ltd.: *Alucom.*
07787	Compania Riva S.A.: *Riva.*
07804	Skymarine, S/A: *Catherine S.*
07821	Everbright Line, S.A.: *Everbright.*
07832	William B. Patton Towing Co.: *PC 2901, PC 2902.*
07837	Meandros Liners SA: *Drymakos.*
07838	Marneptunia Armadora Sa Panama: *Skyton.*
07839	Floisvos Shipping Co., Ltd.: *Rio Santa Elena.*
07840	Pitria Star Navigation Co. S.A.: *Pitria Star.*
07841	Caribbean Shipping Ltd.: *Mereghan II, Mereghan IV.*
07842	United International Alumina Carriers Ltd.: *Gene Trefethen.*
07843	Northland Marine Lines Inc.: *Koko Head.*
07848	Daisy Shipping Co., Ltd.: *Armas.*
07850	Aegoussiotis Shipping Corp.: *Aegoussiotis.*
07851	Panlyras Shipping Corp.: *Captain Pandelis S. Lyras.*
07852	Bulkship Corporation of Monrovia: *Protomachos.*
07853	Foreign Energy Tankers, Inc.: *Coastal Texas.*
07855	Seahorse Navigation Co., Ltd.: *Navi-Champion.*
07857	Plotinos Shipping Co. S.A.: *Elissavet K.*
07863	Nea-Ephessos Maritime Corp.: *Agia Barbara.*
07864	Intrans Incorporated of Monrovia: *Yavona.*
07865	A/S Winship: *Wingull.*
07866	International Petroleum Carriers, Inc., Monrovia: *Carib Sun.*
07867	Pacific Mariners Corp. of Panama: *Florina.*
07868	Dolphin Maritime Corp.: *Isabela, Aktis, Takis.*
07869	Omicron Management Co. Ltd.: *Kiki, Akrotiri, Anette.*
07870	Vieira, S.A.: *Vieirasa Seis.*
07871	Sdad. Anma. Eduardo Vieira: *Vieirasa Cuatro.*
07872	Pesqueros Tabeirones, S.A.: *Zamanes.*
07873	Alva Bay Shipping Co. Ltd.: *Alva Bay.*
07874	Sanmarco Vrontados S.A.: *Bangla Polyxeni.*
07875	Tonia Maritime Co. Ltd.: *Marytonia.*
07879	Elpis Shipping S.A.: *Santa Claus.*
07881	Viasegura Armadora, S.A.: *Despina A.L.*
07882	Ocean Science Ships Liberia, Inc.: *Gulfrex.*
07884	P/R Pepnautica V: *Pep Marine.*
07886	Sedco International, S.A.: *Sedco 702, Sedco 700, Sedco 703, Sedco K.*
07889	Antiparos Shipping Co., Ltd.: *Red Sky.*
07890	Sounio Shipping Co. Ltd.: *Largo.*
07895	Western Oil Carriers, Ltd.: *Grand West.*
07896	Cypromar Navigation Co., Ltd. Nicosia: *Eastern Persistence.*
07900	Global Bulk Oil Corp.: *Ania.*
07902	Geomar Shipping S.A.: *Avemaria.*
07903	Overseas Marine Transport Corp.: *Aria.*
07904	Kabushiki Kaisha Koyo Gyogyo: *Koyo Maru No. 56.*
07905	Wenceslao Gandon Casal: *Ana Maria Gandon.*
07909	Noramar S.A.: *St. Mary.*
07917	Alpa Shipping Co. Ltd.: *Alpa.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-8490 Filed 4-30-73;8:45 am]

AMERICAN EXPORT LINES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 21, 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.

American Export Lines, Inc.
Atlantica Line
Sea-Land Service, Inc.
Zim Israel Navigation Co., Ltd.

Howard A. Levy, Esq., Suite 631, 17 Battery Place, New York, N.Y. 10004.

Agreement No. 10051 establishes the "Mediterranean Force Majeure Agreement" among the above-named carriers in the trade between and via ports in the Mediterranean and the U.S. Atlantic coast. It provides that any signatory thereto who, by virtue of force majeure or other causes beyond its control, is unable to make scheduled port calls or to load booked cargo, may fulfill its commitments via a vessel or vessels of another signatory or signatories under terms and conditions spelled out in the agreement.

Dated April 25, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-8501 Filed 4-30-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 613]

AUSTIN BALDWIN & CO., INC.

Order of Revocation

On April 10, 1973, Austin Baldwin & Co., Inc., 352 Hart Avenue, Staten Island, N.Y., voluntarily surrendered its Independent Ocean Freight Forwarder License No. 613 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission order No. 1 (revised) § 7.04(f) (dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder License No. 613 of Austin Baldwin & Co., Inc., be, and is hereby, revoked effective April 10, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Austin Baldwin & Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-8491 Filed 4-30-73;8:45 am]

FEDERAL MARITIME COMMISSION

BALTIC SHIPPING COMPANY

Notice of Issuance of Casualty Certificate

Security for the protection of the public financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR pt. 540):

The Baltic Shipping Co., Mezhevoj Can. 5, Leningrad, U.S.S.R.

Dated April 25, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-8494 Filed 4-30-73;8:45 am]

N.V. NIEUW AMSTERDAM AND HOLLAND AMERICA CRUISES N.V.

Notice of Issuance of Casualty Certificate

Security for the protection of the public financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (49 CFR pt. 540):

N.V. Nieuw Amsterdam and Holland America Cruises N.V. (Holland America Cruises), Pier 40, North River, New York, N.Y. 10014.

Dated April 25, 1973.

FRANCIS C. HURNEY,
Secretary

[FR Doc.73-8495 Filed 4-30-73;8:45 am]

N.V. NIEUW AMSTERDAM AND HOLLAND AMERICA CRUISES N.V.

Notice of Issuance of Performance Certificate

Security for the protection of the public indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR pt. 540):

N.V. Nieuw Amsterdam and Holland America Cruises N.V. (Holland America Cruises), Pier 40, North River, New York, N.Y. 10014.

Dated April 25, 1973.

FRANCES C. HURNEY,
Secretary.

[FR Doc.73-8496 Filed 4-30-73;8:45 am]

N.V. STATENDAM AND HOLLAND AMERICA CRUISES N.V.

Notice of Issuance of Casualty Certificate

Security for the protection of the public financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR p. 540):

N.V. Statendam and Holland America Cruises N.V. (Holland America Cruises), c/o Holland America Cruises, Pier 40, North River, New York, N.Y. 10014.

Dated April 25, 1973.

FRANCES C. HURNEY,
Secretary.

[FR Doc.73-8497 Filed 4-30-73;8:45 am]

N.V. STATENDAM AND HOLLAND AMERICA CRUISES N.V.

Notice of Issuance of Performance Certificate

Security for the protection of the public indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

N.V. Statendam and Holland America Cruises N.V. (Holland America Cruises), c/o Holland America Cruises, Pier 40, North River, New York, N.Y. 10014.

Dated April 25, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-8498 Filed 4-30-73;8:45 am]

N.V. VEENDAM AND HOLLAND AMERICA CRUISES N.V.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR part 540):

N.V. Veendam and Holland America Cruises N.V. (Holland America Cruises), c/o Holland America Cruises, Pier 40—North River, New York, N.Y. 10014.

Dated April 25, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-8499 Filed 4-30-73;8:45 am]

N.V. VEENDAM AND HOLLAND AMERICA N.V.

Notice of Issuance of Performance

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR part 540):

N. V. Veendam and Holland America Cruises N. V. (Holland America Cruises), c/o Holland America Cruises, Pier 40—North River, New York, N.Y. 10014.

Dated April 25, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-8500 Filed 4-30-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-699]

APACHE EXPLORATION CORP.

Notice of Application

APRIL 24, 1973.

Take notice that on April 16, 1973, Apache Exploration Corp. (Applicant), P.O. Box 2299, Tulsa, Okla. 74101, filed in docket No. CI73-699 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from the Vici Southwest Field, Blaine County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas for 1 year at 60.48 c/M ft^3 at 14.65 lb/in^2a, including all adjustments and tax reimbursements, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The base price is subject to upward and downward Btu adjustment with upward adjustment limited to 1,175 Btu per cubic foot.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days

for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8463 Filed 4-30-73;8:45 am]

[Docket No. E-8107]

ARKANSAS-MISSOURI POWER CO.

Notice of Proposed Changes in Rates and Charges

APRIL 23, 1973.

Take notice that on March 29, 1973, Arkansas-Missouri Power Co. (Arkansas-Missouri), tendered for filing a revised fuel adjustment clause for application to its rate schedues F.P.C. No. 13, 28, and 29. Arkansas-Missouri states that by letter dated January 31, 1972, it transmitted a revised fuel adjustment clause and by letter of March 3, 1973, the Commission pointed out certain deficiencies in such transmittal. According to Arkansas-Missouri the revised fuel adjustment clause shows $0.00035 as the base for adjustments to its purchases from Union Electric. Arkansas-Missouri states further that it has notified the three customers involved in this filing and have asked their concurrence in the change in fuel adjustments.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 May 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file with the Commission a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8469 Filed 4-30-73;8:45 am]

[Docket No. CI73-697]

C. & K. PETROLEUM, INC.

Notice of Application

APRIL 24, 1973.

Take notice that on April 16, 1973, C. & K. Petroleum, Inc. (Applicant), 608 First City National Bank Building, Houston, Tex. 77002, filed in docket No. CI73-697 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from the Atoka West Morrow (Gas) Field, Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas by April 25, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell all gas produced, with the buyer's obligation to purchase limited to 12,000 M ft^3/d, at 54.25c/M ft^3 at 14.65 lb/in^2 a, subject to upward and downward Btu adjustment with upward adjustment limited to 1,100 Btu/ft^3.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8462 Filed 4-30-73;8:45 am]

[Docket No. RP71-106]

CITIES SERVICE GAS CO.

Order Amending Prior Order

APRIL 24, 1973.

On January 2, 1973, Cities Service Gas Co. (Cities Service) filed fourth revised tariff sheet PGA-1, reflecting a temporary increase in rates of 0.59c/M ft^3. By order issued herein on February 22, 1973, the Commission suspended the proposed increase rates for 1 day until February 24, 1973, and provided for hearing thereon.

Cities Service, by letter filed on March 2, 1973, states that it has been urged by its customers to defer the commencement of the collection of the 0.59c/M ft^3 rate increase from February 24, 1973, to March 23, 1973. Cities Service says that as its billing period covers a period beginning on the 23d of a calendar month and ending on the 22d of the succeeding calendar month use of a February 24, 1973, effective date would require a split billing and that use of a March 23, 1973, effective date would also eliminate problems incident to its customers making timely filings with State commissions. The company says that in view of the fact that the proposed temporary increase is for the limited purpose of recovering the jurisdictional portion of a judgment awarded Western Natural Gas Co. in a State court of Oklahoma, deferral of the collection of the increased rates to March 23, 1973, will not significantly affect the total amount to be collected from its customers.

Cities Service states that for these reasons and in response to customer urging, it intends to defer the collection of the 0.59 c/M ft^3 increase to March 23, 1973, and requests modification of paragraph (B) of the order issued February 22, 1973, to provide for such deferment

of date if the Commission should deem that such modification is necessary.

Our review of Cities Service's letter indicates that its deferment of the date for commencement of collection of the 0.59 c/M ft³ increase in rates from February 24, 1973, to March 23, 1973, is appropriate for the reasons stated therein. Accordingly we shall amend our order issued February 22, 1973, to provide for suspension of the proposed rate increase from February 23, 1973, to March 23, 1973.

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's order issued February 22, 1973, be amended as hereinafter ordered.

The Commission orders

(A) Ordering paragraph (B) of the order issued herein on February 22, 1973, is hereby amended to read as follows:

(B) Pending such hearing and decision thereon, Cities Service's fourth revised tariff sheet No. PGA–1 in appendix C of the filing is hereby suspended and the use therof deferred until March 23, 1973, and shall become effective on that date, subject to refund in accordance with the provisions of the Natural Gas Act and the regulations thereunder, and subject to the following conditions:

* * * * *

(B) All other provisions of the order issued herein on February 22, 1973, including the conditions contained in subparagraphs (1) and (2) of paragraph (B), shall remain in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–8459 Filed 4–30–73;8:45 am]

CITIES SERVICE GAS CO.

Notice of Filing of Superseding Rate Schedule

APRIL 24, 1973.

Take notice that on April 9, 1973, Cities Service Gas Co. (Cities) tendered for filing notice that effective the 22d day of April 1973 the contract by and between Cities and Union Gas System, Inc., dated August 22, 1966, and relating to service under rate schedule P, second revised volume No. 1 of Cities' FPC gas tariff will be canceled. Cities states that the canceled contract will be superseded by a new contract dated March 30, 1973, which provides for a change in the daily maximum obligation from 36,000 to 39,000 M ft³ at 14.65 lb/in²a to be effective April 23, 1973. Cities estimates revenues for the 12 months subsequent to April 22, 1973, to be $3,559,553.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 May 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–8460 Filed 4–30–73;8:45 am]

[Project 2338; Cornwall Project]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Notice of Extension of Time

APRIL 24, 1973.

On April 10, 1973, Consolidated Edison Co. of New York, Inc., filed a motion for an extension of time to answer petition of Scenic Hudson Preservation Conference filed on March 29, 1973. On April 16, 1973, Scenic Hudson Preservation Conference advised that it affirmatively consents to the extension.

Upon consideration, notice is hereby given that the time is extended to and including May 14, 1973, within which Consolidated Edison Co. of New York, Inc., may file a response to the above motion.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–8466 Filed 4–30–73;8:45 am]

[Docket No. E–8133]

CONSUMERS POWER CO.

Notice of Application

APRIL 24, 1973.

Take notice that on April 11, 1973, Consumers Power Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale from time to time on or before December 31, 1973, of promissory notes to evidence bank borrowings as a financial institution or as a fiduciary and commercial paper up to, but not exceeding $300 million in aggregate principal amount.

Applicant is incorporated under the laws of the State of Michigan, with its principal place of business in Jackson, Mich., and is engaged in the electric and natural gas utility business in the State of Michigan.

Applicant proposes to use the proceeds from the issuance of the securities to provide a portion of the funds necessary for the construction, completion, extension and improvement of facilities, the cost of which is expected to total $388,203,400 in 1973.

The banknotes will mature not later than 9 months from the date of issue and will carry an interest rate of not more than the prime rate in effect at the banks at the time of issuance. The commercial paper will mature not later than 270 days from date of issue and will carry an interest rate which will be dependent on the terms of the notes and the money market conditions at the time of issuance.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–8396 Filed 4–30–73;8:45 am]

[Docket No. CI73–536]

COTTON PETROLEUM CORP.

Order Setting Matter for Formal Hearing, Permitting Intervention, Prescribing Procedures and Fixing Date of Hearing

APRIL 24, 1973.

On April 15, 1971, the Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 10, and 16 thereof (52 Stat. 822, 823, 824, 825, 826, 830; 56 U.S.C. 717c, 717d, 717f, 717g, 717l, and 717) issued order 431 promulgating a statement of general policy with respect to the establishment of measures to be taken for the protection of as reliable and adequate service as present natural gas suppliers and capabilities will permit.

Cotton Petroleum Corp. (Cotton) has filed, in the above-entitled docket No. CI73–536, an application, pursuant to section 7(c) of the Natural Gas Act and pursuant to order No. 431 in docket No. 418, for a limited-term certificate of public convenience and necessity with pregranted abandonment, authorizing the operation of certain facilities for the sale of emergency gas to Northern Natural Gas Co. (Northern). The limited-term certificate provides that Cotton sell approximately 20,000 M ft³ per day plus any additional volumes which it may have available and Northern has sufficient capacity to take. The contractually agreed rate is 50 cents (14.65 lb/in²a), subject to upward and downward British thermal unit adjustment from a base of 925 Btu's plus 100 percent reimbursement of existing taxes, or a total rate of approximately 60 cents.

In order 431, the Commission amended part 2, subchapter A, general rules, chapter I, title 18 of the Code of Federal Reg-

ulations by adding a new § 2.70, which reads:

(3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971–72 demands, will continue the emergency measures referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period, paragraph 12 in the notice issued by the Commission on July 17, 1970, in docket No. R–389A should be utilized (35 FR 11638). The Commission will consider if the pipeline demonstrates emergency need * * *

Paragraph 12 of R–389A provides, in part, that applicants, requesting certificates for sales of natural gas in excess of the ceiling or guideline rate, shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

The application in this proceeding represents a sizable volume of gas potentially available to the interstate market. In view of data which indicates to the Commission the inability of interstate pipelines to procure contracts for emergency supplies of gas at existing rates, we believe it advisable to act expeditiously by setting this application for public hearing. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

Pursuant to the notice of the instant application issued February 16, 1973, Northern Natural Gas Co. filed a petition to intervene.

The Commission finds

(1) The application for a limited-term certificate herein shall be set for formal hearing.

(2) It is desirable to permit Northern, which filed a timely petition, to intervene in this proceeding.

The Commission orders

(A) The application for limited-term certificate for sale of natural gas filed in docket No. CI73–536 is hereby set for hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that act, a public hearing shall be held commencing June 4, 1973, at 10 a.m. (e.d.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(C) Northern Natural Gas Co. is hereby permitted to become an intervenor, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: *And, provided further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in these proceedings.

(D) The applicant seeking the limited-term certificate and the proposed purchaser, Northern, shall, on or before May 25, 1973, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73–8458 Filed 4–30–73;8:45 am]

[Docket No. CP73–216]

EL PASO NATURAL GAS CO.

Notice of Application

APRIL 23, 1973.

Take notice that on February 12, 1973, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Tex. 79978, filed in docket No. CP73–216 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon, on its Southern Division System, certain tap facilities and sales and deliveries of natural gas made by use thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it installed the Ewing Halsell No. 1 Tap, the Ewing Halsell No. 2 Tap, the Halsell Farms Tap, and the Sand Hills Group Line Tap in Lamb County, Tex., for the sale and delivery of natural gas to Pioneer Natural Gas Co. (Pioneer) for resale for irrigation purposes, pursuant to authorization issued by the Commission to Applicant in docket No. CP69–23 (42 FPC 562). Applicant proposes to abandon said taps with the exception of the Halsell Farms Tap, which Applicant alleges is the only tap necessary to continue the service rendered through the taps proposed to be abandoned. Applicant also seeks authorization to abandon a tap location on its San Juan Basis gathering system in San Juan County, N. Mex., which had ben utilized for the sale and delivery of natural gas to Southern Union Gas Co. (Southern Union) for resale; Applicant alleges that Southern Union no longer needs the gas supply and has agreed to the abandonment of the tap.

Applicant proposes to abandon the subsurface tap facilities in place and to remove and place in stock the above-ground tap facilities. The total cost of removal of the facilities, according to Applicant, is approximately $605.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–8472 Filed 4–30–73;8:45 am]

[Docket No. CI73–676]

FLORIDA GAS EXPLORATION CO. ET AL.

Notice of Application

APRIL 23, 1973.

Take notice that on April 6, 1973, Florida Gas Exploration Co. (Operator), et al. (Applicant) filed in docket No. CI73–676 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 Florida Gas Transmission Co. (Florida) from the East Bayou Pigeon Field, Iberia Parish, La., 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 natural gas to Florida from the East Bayou Pigeon Field at an initial rate of 35c/M ft^3 at 15.025 lb/in^2a, subject to upward and

downward British thermal unit adjustment, pursuant to the terms of a contract dated December 1, 1972. Said contract provides for fixed escalations of 1c/M ft³ each year after the date of initial delivery, for reimbursement to the seller for all of any additional taxes which is greater than those being levied on the day of the contract and for a contract term of 20 years. Applicant estimates monthly deliveries of gas at 90,000 M ft³.

Applicant asserts that the proposed sale will insure the long-term dedication to the interstate market of substantial quantities of natural gas at presently ascertainable prices, thereby materially assisting the pipeline purchaser in alleviating the gas supply shortage with which it is presently confronted. Applicant also asserts that the 35.0-cent initial price is substantially less than recent intrastate prices for gas in the southern Louisiana area and also substantially less than recent prices in the interstate market for which authority has been requested under the optional gas pricing procedure. Applicant alleges that the instant contract price with adjustments is far lower than prices for base load sales of liquefied natural gas or synthetic gas for which applications for authorization are pending or have been approved by the Commission.

Applicant further states that Florida will receive such gas in a 3-inch pipeline to be constructed under its budget-type certificate in docket No. CP72-230 and will transport the gas 3,000 ft to Texas Gas Transmission Corp.'s existing pipeline which will return the gas to Florida at a point of interconnection near the town of Eunice, Acadia Parish, La.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 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.

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.73-8473 Filed 4-30-73;8:45 am]

[Docket No. CI73-560]

GREAT PLAINS LAND CO.

Notice of Application

APRIL 23, 1973.

Take notice that on February 22, 1973, Great Plains Land Co. (Applicant), 2500 Republic National Bank Tower, Dallas, Tex. 75201, filed in docket No. CI73-560 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), from the Seven Sisters Field, Duval County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to Tennessee at 30 c/M ft³ at 14.65 lb/in²a, subject to downward British thermal unit adjustment, from properties from which Applicant has heretofore been selling gas to Tennessee pursuant to Applicant's small producer certificate issued in docket No. CS71-663. Applicant states that the contract under which it has been making sales has expired.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 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.

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.73-8470 Filed 4-30-73;8:45 am]

[Docket No. RP73-79]

GULF ENERGY & DEVELOPMENT CORP.

Notice of Amendment To Filing

APRIL 23, 1973.

Take notice that on April 16, 1973, Gulf Energy & Development Corp. (Gulf) filed an amendment to its rate increase proposal in docket No. RP73-79. By this amendment, Gulf proposes a changed rate of 5.42 c/M ft³, in lieu of the changed rate of 6.35 c/M ft³ heretofore pending, to be effective May 17, 1973. The proposed rate applies to gas gathered by Gulf for Tennessee Gas Pipeline Co. under Gulf's FPC gas rate schedule No. 1.

Gulf states that the amended proposed rate has been arrived at by making certain further adjustments in its cost of service relating to depreciation expense, rate of return and Federal income taxes. In view of the fact that the original filing has already been noticed, and because the amendment reflects a lower proposed rate than was previously proposed, Gulf requests a shortened notice period.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 May 9, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8452 Filed 4-30-73;8:45 am]

[Docket No. E-8124]

IOWA ELECTRIC LIGHT & POWER CO.

Notice of Application

APRIL 25, 1973.

Take notice that on April 13, 1973, Iowa Electric Light & Power Co. (Applicant) filed an application pursuant to section 204 of the Federal Power Act with the Federal Power Commission seeking authorization to enter into a guaranty agreement with the trustee of pollution control revenue bonds to be issued by the city of Cedar Rapids, Iowa, in an amount

not to exceed $17,800,000 which bonds, taking into account market conditions, will be sold by the city as soon as possible after obtaining approval of this guaranty.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska, with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission, and sale at retail of electric energy in 51 counties in the State of Iowa.

The bonds of the city will be sold to finance the acquisition of the company's interest in air and water pollution control facilities to be installed at the Duane Arnold Energy Center near Palo, Iowa, and at the company's Sixth Street station and Prairie Creek Station Unit No. 4 in Cedar Rapids. The pollution control equipment at the Duane Arnold Energy Center will consist of an Offgas System, Cooling Towers and Liquid and Solid Radwaste Systems. The facilities to be constructed at the Sixth Street station consist of an electrostatic precipitator on one generating unit and equipment for the conversion of another generating unit from coal firing to oil burning to eliminate the need for other emission control facilities. The facility to be installed at the Prairie Creek Station Unit No. 4 will be an electrostatic precipitator.

All such facilities will be constructed and owned by the company and will be leased to the city in consideration for the net proceeds of the bond issue and necessary easements in and over the several project sites and present facilities thereon will be conveyed to the city. Simultaneously the city will sublease all of said facilities and easements back to the company. The terms of the lease and sublease will commence with the date of issue of the bonds and will terminate on the date of final payment of the bonds. Construction of all facilities is anticipated to be completed by June 1975. Payments under said sublease will be sufficient to pay principal, premium, if any, and interest due on said bonds. The bonds will not be issued by the Applicant. The rate of interest will be negotiated at a private sale of the bonds between the city and the underwriters.

The authorization sought is for Applicant to issue an independent guaranty to the trustee and holders of the bonds of payment of principal, premium, if any, and interest on said bonds. No payments will be required under the guaranty if all payments are made pursuant to the sublease.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirement of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8399 Filed 4-30-73;8:45 am]

[Docket No. RP73-97]

KENTUCKY WEST VIRGINIA GAS CO.

Notice of Proposed Changes in Rates and Charges

APRIL 25, 1973.

Take notice that on April 16, 1973, Kentucky West Virginia Gas Co. (Kentucky tendered for filing the following tariff sheets for Kentucky West Virginia Gas Co.'s FPC gas tariff original volume No. 1:

Third revised sheet No. 2 superseding second revised sheet No. 2;
Thirteenth revised sheet No. 4 superseding 12th revised sheet No. 4;
Fourth revised sheet No. 5 superseding third revised sheet No. 5;
Third revised sheet No. 12-A superseding second revised sheet No. 12-A;
Original sheet No. 12-B;
Original Sheet No. 12-C;
Original sheet No. 12-D;
Original sheet No. 12-E; and

Fifth revised sheet No. 19 superseding fourth revised sheet No. 19.

Kentucky states that these tariff sheets provide for an increase in the rates of rate schedule S-1 pursuant to which natural gas is sold to Equitable Gas Co. (Equitable) and Columbia Gas Transmission Corp. (Columbia) of $5,265,217 and reflect a rate of return of 15 percent. According to Kentucky the rate increase reflected in the tariff sheets is proposed because the present rate of return earned by Kentucky under its present rates is inadequate, and without an immediate increase the revenues required to maintain the present level of gas sales and deliveries will not be available. The proposed effective date for the increased rates is May 31, 1973. Kentucky's filing also includes a proposed purchase gas adjustment clause in purported conformance with the Commission's regulations.

Kentucky states that copies of the revised and original tariff sheets have been served on Equitable Gas Co., Columbia Gas Transmission Corp., West Virginia Public Service Commission, and the Pennsylvania Public Utility Commission. In addition Kentucky requests waiver or deferral of the requirement for filing statement P (§§ 154.63(b)(3), 154.63(f)) until 30 days after a suspension order is issued or such other reasonable date as the Commission may direct.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 May 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8402 Filed 4-30-73;8:45 am]

[Docket No. CP73-130]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Supplement to Application

APRIL 24, 1973.

Take notice that on April 6, 1973, Mississippi River Transmission Corp. (Mississippi), 9900 Clayton Road, St. Louis, Mo. 63124, filed in docket No. CP73-130, pursuant to section 7(c) of the Natural Gas Act, a supplement to its application, filed November 14, 1972, in said docket, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the development and operation of an underground storage reservoir in the East Unionville Field, Lincoln Parish, La.

The supplement indicates that the Commission's staff has requested details relating to Mississippi's exchange arrangement with Texas Eastern Transmission Corp. (Texas Eastern) in connection with Mississippi's acquisition of the recoverable gas remaining in the field which is dedicated to Texas Eastern. Attached to the supplement are letters between the two companies outlining the arrangement.

Mississippi states that it plans to discontinue production from the East Unionville Field when it acquires the existing wells and to leave the remaining gas in the reservoir as cushion gas. Since such gas is now dedicated to Texas Eastern under certain gas purchase contracts, Mississippi indicates that it proposed to deliver to Texas Eastern a similar quantity of gas under the terms of an existing exchange agreement between the two companies, dated December 6, 1950, in return for Texas Eastern's release of its rights to the East Unionville Field gas.

The supplement indicates that it is Mississippi's understanding that the Staff believes that the arrangement between Mississippi and Texas Eastern involves a sale of the gas which Mississippi has delivered and will deliver to Texas Eastern and requires further Commission authorization, presumably because there is to be a payment to Mississippi

based upon the remaining recoverable reserves Texas Eastern releases to Mississippi to complete the exchange at the same price per thousand cubic foot Mississippi will by to the producers to acquire the reserves.[1] Mississippi states that it is of the opinion that the transaction with Texas Eastern should not be considered a sale, but, nevertheless, it now requests that, to the extent required, the Commission authorize said sale of gas heretofore delivered and to be delivered pursuant to the arrangement reflected in the exhibits attached to the instant supplement. Mississippi states that it has already delivered approximately 4,950,000 M ft³ of gas to Texas Eastern in accordance with said exhibit and expects to deliver approximately 400,000 M ft³ more, the exact amount depending on when production from the field is stopped.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before May 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8467 Filed 4-30-73;8:45 am]

MOBIL OIL CORP.

[Docket No. CI73-670]

Notice of Application

APRIL 23, 1973.

Take notice that on April 5, 1973, Mobil Oil Corp. (Applicant), 800 Three Greenway Plaza East, Houston, Tex. 77046, filed in docket No. CI73-670 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Phillips Petroleum Co. (Phillips) from the Panhandle Field, Gray County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the contract comprising its FPC gas rate schedule No. 154 for the sale of gas to Phillips authorized in docket No. G-14914 expired December 1, 1964, that Applicant has continued the sale of gas to Phillips since that time, and that Applicant and Phillips have entered into a new contract for the sale of gas at the rate of 21.5 c/M ft³ at 14.65 lb/in²a subject to upward Btu adjustment. The estimated monthly sales volume is 6,000 M ft³ of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 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.

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.73-8394 Filed 4-30-73;8:45 am]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Filing of Transportation Agreement

APRIL 23, 1973.

Take notice that on April 10, 1973, Natural Gas Pipeline Co. of America (Natural tendered for filing the following sheets to its FPC gas tariff, second revised volume No. 2:

Original sheets Nos. 302 through 307 constituting rate schedule X-39, an agreement dated March 1, 1973, for the transportation and delivery of natural gas to Northern Illinois Gas Co. Troy Grove storage area for the account of Northern Natural Gas Co.

Natural states that the transportation agreement is the subject of an abbreviated application for a limited-term certificate filed concurrently by the company pursuant to section 7(c) of the Natural Gas Act.

Natural requests the Commission's regulations be waived to the extent necessary to permit the tariff sheets to become effective April 1, 1973. According to Natural, the proposed effective date coincides with the beginning term of the transportation agreement and with the commencement on April 1 of emergency transportation of gas pursuant to § 157.22 of the Commision's regulations (18 CFR 157.22).

Natural estimates that revenues for the term of the agreement, which is April 1, 1973, to October 31, 1973, to be $810,000.

Natural states that copies of the filing have been mailed to Northern Illinois and Northern Natural.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 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 May 8, 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.73-8468 Filed 4-30-73;8:45 am]

NORTHERN NATURAL GAS CO.

Notice of Cancellation

APRIL 24, 1973.

Take notice that on April 13, 1973, Northern Natural Gas Co. (Northern) tendered for filing a notice of cancellation of a service agreement with Lloyd V. Crum, Jr., dated December 17, 1971, and relating to service under rate schedule CD-1. Northern states that this agreement will expire by its own terms on April 27, 1973. Northern further states that rate schedule CD-1 is set forth on sheets Nos. 15 through 20 of third revised volume No. 1 of Northern's FPC gas tariff. According to Northern, this agreement covers a contract demand for 300 M ft³ and involves total estimated revenues to Northern of $19,824. In addition, Northern states that a copy of this filing has been mailed to Mr. Lloyd V. Crum, Jr.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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

[1] The letter, dated June 5, 1972, attached as an exhibit to the supplement indicates payment to be "* * * an amount equal to the total amount Texas Eastern would pay the sellers under such contracts if the remaining recoverable reserves were produced and purchased by Texas Eastern at the applicable rates then in effect with respect to such contracts." The contracts referred to in the foregoing quotation are those dedicating the East Unionville Field Gas to Texas Eastern.

such petitions or protests should be filed on or before May 9, 1973. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8456 Filed 4-30-73;8:45 am]

NORTHERN NATURAL GAS CO.

Notice of Proposed Transportation Agreement

APRIL 25, 1973.

Take notice that on April 16, 1973, Northern Natural Gas Co. (Northern) tendered for filing to become part of Northern's FPC gas tariff the following tariff sheets:

Third revised volume No. 1:
Sixth revised sheet No. 3, table of contents.
Original volume No. 2:
Original sheets Nos. 470-482, rate schedule T-10.
Forty-first revised sheet No. 1, table of contents.

Northern states that rate schedule T-10 consists of a true and complete copy of a contract dated July 25, 1972, as amended on December 12, 1972, and January 31, 1973, between Northern and Diamond Shamrock Corp. which provides for the transportation, treatment, and redelivery of natural gas by Northern for Diamond Shamrock Corp. According to Northern, by letter dated February 21, 1973, it had previously submitted to the Federal Power Commission rate schedule T-10 and related table of contents sheets for filing and the Commission by letter order dated March 15, 1973, had rejected Northern's filing for lack of certificate authority. Northern requests that the Commission waive the notice requirements of 18 CFR 154.22 to allow this proposed rate schedule T-10 and revised table of contents sheets to become effective on April 9, 1973. Northern states further that a copy of this filing has been sent to Diamond Shamrock Corp.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 May 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8403 Filed 4-30-73;8:45 am]

[Docket No. E-8131]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Filing of Supplemental Rate Schedule

APRIL 23, 1973.

Take notice that on April 2, 1973, Orange and Rockland Utilities, Inc. (Rockland), tendered for filing a letter agreement dated March 9, 1973, between Rockland and Consolidated Edison Co. of New York, Inc. (Con. Edison). Rockland states that this letter agreement supplements the rate schedule submitted to the Commission on March 30, 1972, which provides for the sale of capability and energy by Rockland to Con. Edison from Rockland's entitlement Bowline Point Unit No. 1. According to Rockland the supplement provides for the sale of 62 MW of capability and associated energy from the same generating facility, and at the same rate, for the period from April 29, 1973, to October 27, 1973. Rockland proposes that the supplement become effective as of April 29, 1973. In addition Rockland states that total revenues from the proposed sale would be approximately $2,632,546. Rockland states further that a copy of this letter agreement has been mailed to Con. Edison, and a copy of this filing has been mailed to the New York State Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 portests should be filed on or before May 1, 19733. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8451 Filed 4-30-73;8:45 am]

[Docket No. CI73-664]

PUBCO PETROLEUM CORP.

Notice of Application

APRIL 23, 1973.

Take notice that on March 30, 1973, Pubco Petroleum Corp. (Applicant), P.O. Box 869, Albuquerque, N. Mex. 87103, filed in docket No. CI73-664 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon sales of natural gas in interstate commerce to Southern Union Gathering Co. from the Blanco Mesaverde Field, San Juan County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon sales of natural gas under contracts comprising its FPC gas rate schedules Nos. 10 and 11 which, Applicant states, have terminated. Applicant states further that it intends to sell natural gas from the subject producing properties to El Paso Natural Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8471 Filed 4-30-73;8:45 am]

[Docket No. E-7742]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Notice of Change in Hearing Location

APRIL 25, 1973.

Notice is given that the hearing scheduled to convene in a hearing room of the Federal Power Commission in the above-entitled matter on May 10, 1973, will convene in a room at the new Federal Power Commission location on the second floor of the Union Center Plaza Building at 825 North Capitol Street NE., Washington, D.C. 20002, at the time heretofore prescribed.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8406 Filed 4-30-73;8:45 am]

SOUTHERN NATURAL GAS CO.

Notice of Exchange Agreement

APRIL 25, 1973.

Take notice that on April 12, 1973, Southern Natural Gas Co. tendered for filing the following tariff sheets to its FPC gas tariff, original volume No. 2:

First revised sheet No. 131.
First revised sheet No. 132.
First revised sheet No. 133.
First revised sheet No. 134.
Original sheet No. 134A.

Southern requests that the enclosed sheets be substituted for original sheet Nos. 134A, 134B, and 134C as filed with its letter of transmittal dated March 13, 1973, and that original sheet Nos. 134A, 134B, and 134C be returned. Southern states that the enclosed sheets reflect rate schedule X-18 as revised by an amendment thereto dated November 29, 1972.

Southern requests that the enclosed tariff sheets be accepted effective February 8, 1973, and that the requirements of § 154.22 of the Commission's regulations be waived.

Southern states further that copies of these tariff sheets and of this letter of transmittal have been mailed to United Gas Pipe Line Co.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 May 9, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8405 Filed 4-30-73;8:45 am]

SOUTHERN NATURAL GAS CO.

Notice of Index of Purchasers

APRIL 25, 1973.

Take notice that on April 13, 1973, Southern Natural Gas Company (Southern) tendered for filing the following revised tariff sheets to Southern's FPC Gas Tariff, Sixth Revised Volume No. 1:

Tenth revised sheet No. 54.
Tenth revised sheet No. 55.
Tenth revised sheet No. 56.
Tenth revised sheet No. 57.
Tenth revised sheet No. 58.
Eighth revised sheet No. 59.
Sixth revised sheet No. 60.

Southern states that these revised sheets reflect an updating of Southern's index of purchasers list as of the issue date. Southern requests that these tariff sheets be made effective as of May 16, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 May 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8404 Filed 4-30-73;8:45 am]

[Docket No. E-8102]

ROCHESTER GAS & ELECTRIC CORP.

Notice of Proposed Changes in Rates and Charges

APRIL 23, 1973.

Take notice that on April 2, 1973, Rochester Gas & Electric Corp. (Rochester) tendered for filing an amendment dated March 27, 1973, to its supplement No. 2 to rate schedule FPC No. 6. Rochester states that this amendment would provide for the continuation of the company's commitment to sell and Con Edison's commitment to purchase, firm capability and the energy associated therewith, to a period 4—April 29, 1973, through April 27, 1974 (270 MW) and a period 5—April 28, 1974, through October 26, 1974 (200 MW). The requested effective date is April 29, 1973, which is within the 30-day-notice period. According to Rochester the total estimated amount of revenue to be derived is $35,372,598.06. Rochester states further that a copy of this filing has been sent to Consolidated Edison Co. and to the New York Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 April 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8450 Filed 4-30-73;8:45 am]

[Project No. 2618]

ST. CROIX PAPER CO.

Notice of Application for Major License

APRIL 23, 1973.

Public notice is hereby given that application for major license was filed August 23, 1966, under the Federal Power Act (16 U.S.C. 791a-825r) by the St. Croix Paper Co. (correspondence to: Mr. Jefferson Farmer, resident manager, St. Croix Paper Co., Woodland, Maine 04694; William M. Houston, general counsel, Bangor and Aroostook RR., 84 Harlow Street, Bangor, Maine 04401; Mr. Francis E. Pearson, Jr., 62 Fourth Street, Bangor, Maine 04401). Applicant seeks a license for Grand Lake Stream Dam Project No. 2618 located on the West Branch of the St. Croix River at the outlet of the West Grand Lake in Washington County, Maine.

The project consists of: (1) A 485-foot-long dam with a maximum height of 13 feet including; (a) an earth embankment, and (b) a 93-foot-long timber crib gate structure with four gates, two of which are used as log sluices; and (2) a reservoir with a usable storage capacity of 160,900 acre-feet at 8.5 ft of drawdown from full pond elevation of 301.43 ft, with 100 cfs release for protection of fishery resources. Applicant states that the condition of the existing structure is such that it must be either repaired or reconstructed to maintain it in safe operating condition. It is for use in generation of hydroelectric energy at downstream plants. Applicant plans to reconstruct the project works and maintain the present method of operation.

Any person desiring to be heard or to make protest with reference to said application should on or before June 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8448 Filed 4-30-73;8:45 am]

[Docket No. CI73-700]

SIGNAL OIL & GAS CO.

Notice of Application

APRIL 24, 1973.

Take notice that on April 13, 1973, Signal Oil & Gas Co. (Applicant), P.O. Box 94193, Houston, Tex. 77018, filed in docket No. CI73-700 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cities Service Gas Co. at Applicant's Fox Plant in Carter County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 2 years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 45,000 M ft³ of gas per month at 40c/M ft³, subject to upward and downward British thermal unit adjustment. Applicant requests that pregranted abandonment authorization be extended to the producers from whom applicant will purchase gas under percentage contracts.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8464 Filed 4-30-73;8:45 am]

[Docket No. RP72-91, etc. (Phase I)]

SOUTHERN NATURAL GAS CO.

Notice of Extension of Time for Filing Exceptions to Initial Decision

APRIL 24, 1973.

On April 17, 1973, staff counsel filed a motion for an extension of time within which to file briefs on exceptions to the initial decision issued on April 3, 1973. The motion states that no party in phase I of the proceeding objects to the postponement requested.

Upon consideration, notice is hereby given that the time is extended to and including May 25, 1973, within which all participants may file briefs on exceptions. Briefs opposing exceptions may be filed on or before June 14, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8457 Filed 4-30-73;8:45 am]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Change in Delivery Point

APRIL 24, 1973.

Take notice that on April 9, 1973, Southern Natural Gas Co. (Southern) tendered for filing a ninth revised exhibit A superseding eighth revised exhibit A to the service agreement between Southern Natural Gas Co. and Atlanta Gas Light Co. dated September 23, 1969. Southern states that the ninth revised exhibit A provides for a new delivery point designated as the Newman Junction meter station to replace the existing Newman and Redwine Gin meter stations which are to be abandoned pursuant to the Commission's order issued October 27, 1972, in docket No. CP72-139. The proposed effective date is the date of the first delivery of gas through the new Newman Junction meter station. Southern presently estimates the date of first delivery of gas through said meter station to be on or about April 10, 1973. Southern requests waiver of the 30-day-notice requirement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 May 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8461 Filed 4-30-73;8:45 am]

[Docket No. CI72-662]

SUN OIL CO.

Notice of Petition To Amend

APRIL 25, 1973.

Take notice that on April 18, 1973, Sun Oil Co. (Petitioner), P.O. Box 2880, Dallas, Tex. 75221, filed in docket No. CI72-662 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to continue the sale of natural gas in interstate commerce for an additional year, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued May 12, 1972, Petitioner is authorized to sell natural gas for 1 year to United Gas Pipe Line Co. from the East Dykesville Field, Claiborne Parish, La., at the rate of 35c/M ft³ at 15,025 lb/in²a. The related contract was accepted for filing effective May 15, 1972, as Petitioner's FPC gas rate schedule No. 508. Petitioner seeks authorization to continue said sale for an additional year at 51.9c/M ft³ at 15.025 lb/in²a, including 1.9c/M ft³ estimated upward British thermal unit adjustment. The estimated monthly sales volume is 90,000 M ft³ of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 11, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8386 Filed 4-30-73;8:45 am]

[Project No. 405]

SUSQUEHANNA POWER CO. & PHILADELPHIA ELECTRIC POWER CO.

Notice of Application for New Major License

APRIL 24, 1973.

Public notice is hereby given that application for a new major license was filed November 8, 1972, under the Federal Power Act by the Susquehanna Power Co. and the Philadelphia Electric Power Co. (correspondence to: Mr. Edward G. Bauer, Jr., vice president and general counsel; Mr. Eugene J. Bradley, assistant general counsel; Mr. Vincent P. McDevitt, special counsel, 2301 Market Street, Philadelphia, Pa. 19101), licensees for Conowingo Project No. 405 which is located on the Susquehana River in Harford and Cecil Counties, Md., in the region of the towns of Conowingo and Darlington; and in York, Lancaster, Montgomery, Chester, and Delaware Counties, Pa., in the region of the cities of York and Lancaster.

The present license is due to expire February 19, 1976.

The project, which affects navigable waters of the United States, has an installed capacity of 512,000 kW. It consists of (1) a 94-foot-high concrete gravity dam having a 100-foot-long abutment section, a 945-foot-long powerhouse section, a 2,385-foot-long spillway section and a 1,214-foot-long abutment section; (2) a reservoir 13.5 miles long, impounding 309,000 acre-feet of water; (3) an 11-unit powerhouse having a total installed capacity of 512,000 kW; (4) two 220 kv transmission lines and substations, and (5) appurtenant facilities.

Applicant estimates the net investment to be $55,084,402 as of December 31, 1971, which is less than fair market value which is estimated in the application to be $108,533,000. In the event of the takeover applicant estimates severance damages to be $303,900,000. Annual taxes paid to State, local, and Federal Governments are $2,913,000.

Existing recreational features include: Designated fishing areas, camping, picnicking, and hiking areas; leased cottages, bird sanctuary, wildflower preservation area; a boat launch; water skiing, swimming, and boating. Planned facilities include a 150-acre recreational development. The proposed facilities are trailer and tent camping areas, picnicking, boat launching facilities, and scenic overlooks. A visitor's center that will have an auditorium and exhibition and auditorium and exhibition and observa-observation areas is also planned.

The power produced by the project is integrated into the applicant's electric system.

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

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8395 Filed 4-30-73;8:45 am]

[Docket Nos. CP66-269, etc.]

TENNESSEE GAS PIPELINE CO., ET AL.

Notice of Certification of Motions For Issuance of Certificates in Accordance With Stipuations For Settlement

APRIL 24, 1973.

Take notice that on April 12, 1973, the Presiding Administrative Law Judge certified to the Commission the record in these proceedings and

(1) "Motion of Tennessee Gas Pipeline Company To Settle Contested Issues and Issue Certificate of Public Convenience and Necessity in docket No. CP66-269";

(2) "Motion of Amoco Production Company for Order Issuing Certificate in docket No. CI66-910 in Accordance with Stipulation for Settlement"; and

(3) "Motion of Commission Staff for Approval of Alternative Stipulation for Settling Issues in FPC docket No. CI66-910."

As more fully set forth in the stipulations attached to these motions, the applicants seek issuance of certificates in dockets Nos. CP66-269 and CI66-910 which involve the sale by Amoco Production Co. (Amoco) to Tennessee Gas Pipeline Co. (Tennessee) of leasehold interests in the Bastian Bay Field, Plaquemines Parish, La., in accordance with the Lease Sale Agreement and Assignment and Conveyance on file as exhibits to the application filed by Amoco in docket No. CI66-910. These motions seek issuance of certificates to Tennessee in docket No. CP66-269 and to Amoco in docket No. CI66-910 in accordance with these agreements, without change or modification, but with imposition of conditions under which Amoco Production Co. and Tennessee Gas Pipeline Co. will assume specified obligations (e.g., Amoco will have an obligation of $8 million which may be discharged by commitment of new gas reserves to Tennessee's system, and Tennessee undertakes to commit $3,500,000 to producers for exploration for natural gas). The motion by Commission staff proposes alternative conditions in the certificate to be issued to Amoco in docket No. CI66-910 as to credit to be allowed for new gas reserves to be committed by Amoco to Tennessee from onshore fields and as to a proposal in Amoco's stipulation for permitting refund writeoff for dedications of new onshore gas reserves under the "optional procedure" initiated by order No. 455.

The record reflects that these motions were served on all parties by mail on March 6, 1973; that all parties were afforded opportunity to file answers, comments, or objections with the Presiding Administrative Law Judge on or before March 28, 1973; and that all parties were afforded further opportunity to be heard at a hearing on the record on April 5, 1973, prior to the certification. Because of this previous notice and opportunity to be heard and the seeming present inclusion of all interested parties, it appears reasonable and consistent with the public interest in this case to prescribe a period of 15 days for the filing of protests or other comments concerning these motions. Therefore, any person desiring to make a comment or a protest with reference to these motions should, on or before May 11, 1973, file his comment or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 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 desiring 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. The filings which were made with the Commission are available for public inspection at the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8385 Filed 4-30-73;8:45 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Filing of Proposed Settlement Agreement

APRIL 23, 1973.

Take notice that on April 11, 1973, Texas Eastern Transmission Corp. (Texas Eastern) placed a revised stipulation and settlement agreement in the record of docket No. RP72-98 (transcript volume No. 5), and on April 13, 1973, said stipulation and agreement together with the record relating thereto were certified to the Commission by Presiding Administrative Law Judge Ellis. The tender reflects a settlement cost of service of $496,021,700 based upon a per annum jurisdictional sales volume of 908,742,857 for the period from July 14, 1972, through February 28, 1973, and a settlement cost of service of $480,367,923 based on an annual jurisdictional sales volume of 855 million M ft³ for the period beginning March 1, 1973. The agreement provides for refunds for the period from July 14, 1972, to the date of the Commission's order based upon modified seaboard rates. The tender provides for trial of the rate issue should the Commission find that the record, as certified, does not support modified seaboard rates for application subsequent to the date of the Commission's order. The tender also contains provisions with respect to demand charge adjustment, to revision in the purchased gas adjustment clause, to supplier refunds for prior periods, to advance payments, to rate reductions reflecting repayment of advance payments and to certain other tariff revisions including those involving unauthorized overruns.

The proposed settlement agreement and the record relating thereto are on file with the Commission and available for public inspection. Copies of the stipulation and agreement were tendered to all parties at the prehearing conference on April 11, 1973, and thereafter served upon all parties of record not present at the conference.

Answers and comments relating to the stipulation and agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before May 3, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8449 Filed 4-30-73;8:45 am]

TEXAS GAS TRANSMISSION CORP.

Notice of Refunds

APRIL 25, 1973.

Take notice that on April 2, 1973, Texas Gas Transmission Corp. (Texas) tendered for filing a report of the amount of refunds made to Texas's jurisdictional sales customers covering refunds received by Texas from Tennessee Gas Pipeline Co. in docket No. RP71-6, Texas Eastern Transmission Corp. in dockets Nos. RP70-29, et al., United Gas Pipe Line Co. in docket No. RP71-41, and the interest earned on the investment of these refunds until proper distribution could be determined. According to Texas the refund computation and investment of refunds is in accordance with article XI of the stipulation and agreement in Texas docket No. FP72-45. Texas states that the refund checks were mailed March 30, 1973, together with transmittal letters and schedules and that the total refund from jurisdictional sales amounted to $465,529.49.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 May 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection. Parties who have already been granted intervention in this docket are not required to file petitions of intervention in the present filing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8401 Filed 4-30-73;8:45 am]

[Docket No. CI73-681]

TEXAS GAS EXPLORATION CORP.

Notice of Application

APRIL 23, 1973.

Take notice that on April 10, 1973, Texas Gas Exploration Corp. (Applicant), 1100 First City National Bank Building, Houston, Tex. 77052, filed in docket No. CI73-681 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 Consolidated Gas Supply Corp. (Consolidated) from Block 255 Field, Vermilion area, offshore Louisiana, 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 natural gas to Consolidated from Block 255 Field at an initial rate of 45c/m ft^3 at 15.025 lb/in^2a, subject to downward British thermal unit adjustment, plus tax reimbursement pursuant to the terms of a January 5, 1973, contract. Said contract provides for price escalations of 0.5c/m ft^3 per year, for reimbursement to Applicant for 87.5 percent of all taxes, and for a contract term of 20 years and thereafter from year to year.

Applicant contends that the prices set forth in the subject contract are needed in order to increase the production of gas in the lower 48 States, to meet the continuing needs of the growing demands of the consuming public by providing them with a firm and continuing supply of natural gas at the lowest possible cost and to provide the necessary economic incentives to producers to develop the offshore Louisiana and Texas areas. Applicant alleges that in contrast to liquefied natural gas, synthetic gas, coal gas, Alaskan gas and other supplemental supplies, the gas to be delivered under the present proposal may be delivered into the interstate market and used by the consuming public almost immediately upon certification and at a lower cost to the consumer.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 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.

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.73-8447 Filed 4-30-73;8:45 am]

[Docket No. CI73-696]

TEXACO INC.

Notice of Application

APRIL 24, 1973.

Take notice that on April 16, 1973, Texaco Inc. (Applicant), P.O. Box 60252, New Orleans, La. 70160, filed in docket No. CI73-696 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from production in the Bayou des Glaises Field, St. Martin Parish, La., and delivery of said gas at the Anchor Gasoline Corp. East Krotz Springs gas processing plant in Pointe Coupee Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on April 8, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day-emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 8,000 M ft^3 of gas per day at 40c/M ft^3 at 15.025 $lb./in^2$.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8465 Filed 4-30-73;8:45 am]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Exchange Agreement

APRIL 23, 1973.

Take notice that on April 9, 1973, Transcontinental Gas Pipe Line Corp. (Transco) tendered for filing the following sheets to its FPC gas tariff, original volume No. 2:

Original sheets Nos. 554 through 557, constituting rate schedule X-62, an exchange agreement dated January 8, 1973, between Transco and Tennessee Gas Pipeline Co.

Transco states that the tariff sheets are proposed to become effective March 30, 1973, the date service commenced under the certificate, and Transco requests that the filing become effective on such date. Transco states further that copies of the enclosed sheets and of this letter of transmittal have been mailed to Tennessee Gas Pipeline Co.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 May 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8453 Filed 4-30-73;8:45 am]

[Docket No. R-469; Order 467-B]

UTILIZATION AND CONSERVATION OF NATURAL RESOURCES

Order Denying Motions for Reconsideration, Clarification, or Modification

APRIL 25, 1973.

Order 467-B issued March 2, 1973, in this docket modifies order 467 issued January 8, 1973, as amended by order 467-A issued January 15, 1973. There have been several motions, petitions, and comments filed requesting modification, reconsideration, or clarification of order 467-B. Those making these various filings will be referred to as "Applicants." We will treat all applications as motions for reconsideration, and for the reasons hereinafter stated, will deny the same.

Boston Gas Co. et al., a group of 17 gas distributor companies, requests that priority category (a)(2) be clarified to give the same protection to storage injection by a distributor as is given storage injection by a pipeline. This filing is based on a misreading of priority category (a)(2). There is no need for modification or clarification of the language contained therein because the protection sought is already provided. A distributor is a "pipeline customer" and the interpretation which Boston Gas Co. et al. has placed on this language is incorrect.

Some Applicants feel that order 467-B will discourage the settlement of contested curtailment proceedings and impose a rigid priority system which may or may not be suitable for a particular pipeline system. In order 467-B, we said:

> Many applicants, particularly those representing California, argue that a general rule is inappropriate and that each pipeline should be treated on an individual basis. With one extremely important exception we are in general agreement with this thesis, at least at this time in the development of curtailment policies and practices. The one area where we believe uniformity to be essential is with respect to whether contract entitlements should form the basis for curtailment, or whether curtailment should be based on end-use factors. As a matter of policy, we have determined that end-use must be controlling. Our reasons for so concluding are articulated in Opinion 643, Arkla, supra, and Opinion 647, United Gas, supra.

We do not preclude the settlement of priority differences worked out by mutual agreement of interested parties which is supported by a record showing that the plan is in the public interest. We intend, however, to see that end-use considerations are given controlling effect. We have determined that this is the best way to assure protection to residential and small commercial customers. We would place intolerable stresses on a national curtailment system if we permitted the customers of one pipeline to receive service based on contractual entitlements because of a negotiated curtailment plan, while the customers of another pipeline in the same service area are being curtailed on an end-use basis. Discrimination, or preferential treatment between ultimate consumers similarly situated, would inevitably result.

United Distribution Companies argues our warning that nonconforming tariffs will be suspended and might be found unjust and unreasonable, or preferential or discriminatory, as a practical matter, forces the pipelines to accept the detailed priority system exactly as written. The stated priorities are intended to be a safe starting point from which deviations may be made based on an evidentiary record. A prudent pipeline may want the certainty of the approved plan until a modification has been justified on a record rather than risk the possibility that the record will not support a deviation from the priorities of order 467-B.

One Applicant suggests the top priority should go to all sales of less than 300 M ft³ per day irrespective of whether such sales are residential, commercial, or industrial. Our decision to restrict the top priority to residential and small commercial users of less than 50 M ft³ on a peak day was deliberate. It is our judgment that this volume level represents critical service which should not be interrupted until all other consumption has been.

One Applicant feels its interruptible customers will be unduly prejudiced by these priorities because they have installed alternate fuel facilities to meet short-term curtailments that have repeatedly occurred and would therefore be curtailed before other consumers who previously had not been confronted with curtailment and had not installed such facilities. The definition of "alternate fuel capabilities" which we have employed[1] will eliminate such discrimination.

Some Applicants are concerned that our priorities will deprive local regulatory bodies of their jurisdiction over local distribution companies. We do not intend, nor do we seek such a result. We have prescribed a method for determination of the volume entitlements of pipeline customers, including distribution companies, but we have not attempted to prescribe the terms or conditions of distribution sales. Our priorities are applied to the deliveries by jurisdictional pipeline companies. The distribution company is free to allocate the volumes received from the pipeline according to its own needs, and the regulatory standards imposed by local authorities.

The Commission orders

For the reasons set forth in our previous orders in this docket and as set forth herein, Applicants' motions are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8400 Filed 4-30-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE ON ENERGY SOURCES RESEARCH

Agenda of Meeting

Agenda for meeting to be held at the Federal Power Commission offices, 441 G Street NW., Washington, D.C., 9:30 a.m., May 2, 1973, room 4008.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.

A. Discussion of contents of Task Force Report with regard to:

1. Nuclear fuels.
2. Fossil fuels.
3. Geothermal energy.

[1] Opinion 643-A, Arkansas-Louisiana Gas Co., docket No. RP71-122, issued Apr. 10, 1973, contains the following definition:

> *"Alternate Fuel Capabilities:* Is defined as a situation where an alternate fuel could have been utilized whether or not the facilities for such use have actually been installed."

4. Solar energy.
5. Liquid and solid waste as fuels.
6. Renewable sources.
B. Other business.
C. Schedule of future meetings.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-8407 Filed 4-30-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-21; Supp. 2]

REPORTING DISCREPANCIES IN SHIPMENTS

Revised Policy

1. *Purpose.*—This supplement extends the expiration date of FPMR Temporary Regulation E-21.

2. *Effective date.*—This regulation is effective on May 1, 1973.

3. *Expiration date.*—This regulation will continue in effect until canceled.

4. *Background.*—FPMR Temporary Regulation E-21, dated January 24, 1972, provided revised policy on reporting discrepancies or deficiencies in shipments from, or directed by, GSA or the Department of Defense (DOD), and guidelines for use of Standard Forms 361, 363, and 364. The expiration date of FPMR Temporary Regulation E-21 was extended to April 30, 1973, by Supplement 1, dated October 30, 1972.

5. *Change of expiration date.*—In order to accommodate additional requirements pertaining to the reporting of quality complaints and transportation discrepancies, major modifications to the procedures and related forms are currently under development. Accordingly, this indefinite extension will permit GSA to incorporate in the permanent regulations up-to-date policy and procedural information resulting from these modifications.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

APRIL 27, 1973.

[FR Doc.73-8619 Filed 4-30-73;10:15 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

[Docket No. 20257, 20360]

INLAND STEEL CO. AND VALLEY CAMP COAL CO.

Renewal Permits; Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20257, Inland Steel Co., Inland Mine, USBM ID No. 11 00601 0, Sesser, Ill.:
- Section ID No. 001 (No. 1 mains west).
- Section ID No. 013-0 (No. 1 mains east).
- Section ID No. 017 (2 right, No. 1 mains east).
- Section ID No. 018 (7 left, No. 1 mains west).
- Section ID No. 019 (8 right, No. 1 mains west).
- Section ID No. 020 (1 left, No. 1 mains east).
- Section ID No. 021 (3 right, No. 1 mains east).
- Section ID No. 022 (8 left, No. 1 mains west).
- Section ID No. 023 (4 right, No. 1 mains east).
- Section ID No. 024 (9 right, No. 1 mains west).

(2) ICP Docket No. 20630, the Valley Camp Coal Co., Valley Camp No. 1 Mine, USBM ID No. 46 01483 0, Triadelphia, W. Va.:
- Section ID No. 013 (east mains).
- Section ID No. 024 (8 south).
- Section ID No. 032 (1 left).
- Section ID No. 038 (4 left).
- Section ID No. 045 (6 right).
- Section ID No. 050 (8 left).
- Section ID No. 058 (10 north).
- Section ID No. 064 (9 north).
- Section ID No. 066 (2 south mains).
- Section ID No. 067 (1 north).
- Section ID No. 068 (1 left).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed. Requests for public hearing must be filed in accordance with 30 CFR part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

APRIL 25, 1973.

[FR Doc.73-8393 Filed 4-30-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3408]

AETNA VARIABLE ANNUITY LIFE INSURANCE CO.

APRIL 25, 1973.

Notice of Application

Notice is hereby given that Aetna Variable Annuity Life Insurance Co. (Applicant) 151 Farmington Avenue, Hartford, Conn. 06115, a diversified, open-end management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from the provisions of sections 2(a)(17) and 18(f)(1) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant is a stock life insurance company organized under the insurance laws of the State of Arkansas in 1954. Applicant's home office is in Little Rock, Ark., and its executive office is in Hartford, Conn. Aetna Life & Casualty Co., a Connecticut corporation, owns all of the outstanding capital stock of Applicant.

Applicant's principal activity has been the sale of variable annuity contracts. Applicant also offers combination fixed and variable annuity contracts, life insurance benefits on a fixed basis as riders to annuity contracts or separately, disability benefits (providing either fixed or variable payments) as riders to annuity or life insurance contracts, and variable life insurance contracts to provide benefits under certain pension or profit-sharing plans. Applicant has established and maintains, pursuant to the laws of the State of Arkansas, three variable contract accounts for the purpose of segregating from its general assets all assets attributable to variable contracts issued by Applicant.

Applicant proposes to establish an additional separate account for variable life insurance contracts. The assets of such account will be derived solely from (a) the sale of variable life insurance policies, as defined in rule 3c-4 under the Act, and (b) advances made by Applicant in connection with the operation of such account. Such account will not be used for variable annuity contracts or for the investment of funds corresponding to dividend accumulations or other policy liabilities not involving life contingencies.

Section 3(c)(3) of the Act excludes an insurance company from the definition of an investment company. Rule 3c-4 under the Act includes within the term "insurance company" for purposes of section 3(c)(3) a separate account established and maintained by an insurance company when (1) the assets of such separate account are derived solely from the sale of variable life insurance policies and advances made by the insurance company in connection with the operation of such separate account, and (2) such separate account is not used for variable annuity contracts or for the investment of funds corresponding to dividend accumulations or other policy liabilities not involving life contingencies.

Section 2(a)(37) of the Act defines a separate account as an account established and maintaind by an "insurance company" pursuant to the laws of any State or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account are, in accordance with the applicable contract, credited to

or charged against such account without regard to other income, gains or losses of the "insurance company".

An "insurance company" is defined in section 2(a)(17) as a company which is organized as an insurance company, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and which is subject to supervision by the insurance commissioner or a similar officer or agency of a State.

Applicant states that its proposed separate account will meet the conditions of section 2(a)(37) and of rule 3c-4 under the Act, and would, therefore, be exempted from the Act pursuant to the provisions of section 3(c)(3) of the Act and rule 3c-4 thereunder, except for a question concerning whether Applicant is an "insurance company" as defined in section 2(a)(17). Even though Applicant is organized as an insurance company, and is subject to supervision by the insurance departments of the States in which it is organized and is licensed to operate, it could be deemed not to come within the definition of insurance company for purposes of rule 3c-4 because it has been principally engaged in offering variable annuity contracts which are securities for purposes of the Federal securities laws as well as insurance products.

Applicant requests that with respect to its proposed separate account Applicant be exempted from the definition of an "insurance company" contained in section 2(a)(17) of the Act to the extent that its primary activities in connection with variable annuities and variable insurance may be deemed not to satisfy the requirement of the definition that the primary and predominant business activity of a company coming within the definition be the writing of insurance or the reinsuring of risks underwritten by insurance companies. Applicant requests such exemption only for the purpose of enabling it to establish and maintain its proposed separate account as a separate account which meets the conditions of section 2(a)(37) of the Act and rule 3c-4 thereunder.

Applicant states that an evident purpose of Congress in defining a separate account in section 2(a)(37) was to confine the term to those accounts set up and operated by a company subject to the controls and protection provided by State insurance company regulation. Applicant represents that in relation to such regulation, Applicant is an insurance company and the proposed separate account otherwise satisfies the definition in section 2(a)(37).

Applicant also states that its proposed separate account will be established and maintained pursuant to the laws of the State of Arkansas and that income, gains and losses, whether or not realized, from assets allocated to such account will be, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of Applicant. Applicant further states that its operations in connection with such separate account will be subject to regulations under the laws of, and to supervision by the insurance department of, the State of Arkansas and the other States in which it is authorized to do business, and that such regulation and supervision will apply to Applicant to the same extent that it will apply to any other insurance company. Applicant also states that the granting of the requested exemptions will not adversely affect purchasers of, or beneficiaries under, variable annuity contracts issued, or to be issued, by Applicant.

Applicant submits that the application of many provisions of the Act to a separate account to fund variable life insurance contracts would only duplicate regulation developed by the State insurance commissioners and would create complex administrative problems since substantial exemptions from the Act would be required in order to make the operation of such a separate account feasible, and that it was for these reasons that certain of such separate accounts of insurance companies were exempted from the provisions of the Act by rule 3c-4. Applicant contends that the aforementioned reasons for exemption from the provisions of the Act are as applicable to Applicant's proposed separate account as they are to a separate account maintained by any other insurance company, and that, accordingly, the exemptions requested are consistent with the Commission's purpose in adopting rule 3c-4.

Applicant represents that the problem presented under rule 3c-4 is unique to Applicant because Applicant is the only life insurance company now registered with the Commission as an investment company for purposes of conducting variable annuity operations. All other insurance companies, in accordance with procedures adopted by the Commission subsequent to Applicant's registration, have only their separate accounts registered as investment companies. Hence, Applicant concludes that the relief requested is necessary to accord Applicant the same treatment under rule 3c-4 with respect to its proposed separate account as is available to any other insurance company.

Section 18(f)(1) of the Act makes it unlawful for any registered open-end investment company to issue or sell any senior security of which it is the issuer except under circumstances not here relevant. A senior security is defined in section 18(g) to include any investment evidencing indebtedness. Since the holders of variable life insurance contracts issued by the proposed separate account will have a claim against Applicant's general account assets under Applicant's mortality and other insurance guarantees, the contracts could be considered to include an evidence of indebtedness senior to Applicant's common stock. Applicant therefore requests exemption from section 18(f)(1) of the Act to the extent necessary to permit the issuance of variable life insurance contracts funded by its proposed separate account.

Applicant states that the proposed exemption from section 18(f)(1) presents no question of possible unfairness to common stockholders since its common stock is wholly owned by Aetna Life & Casualty Co., which has acquired such interest in order to participate in a company whose activities include offering contracts such as variable life insurance contracts and has assumed the risks involved in such investment. In addition, Applicant submits that the granting of the exemption will be consistent with the exemptions from section 18(f) previously issued to Applicant to permit the issuance by it of fixed-dollar annuity and life insurance contracts and variable life insurance contracts to provide benefits under certain pension or profit-sharing plans.

Section 6(c) of the Act provides that the Commission may, by order upon application, conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, 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.

Notice is further given that any interested person may, not later than May 21, 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 should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued 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 the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-8442 Filed 4-30-73;8:45 am]

[812-3446]

LOEB, RHOADES & CO.

Notice of Filing of Application

APRIL 24, 1973.

Notice is hereby given that Loeb, Rhoades & Co. (Applicant), 42 Wall

Street, New York, N.Y. 10005, a registered broker-dealer partnership, in connection with a proposed offering of shares of common stock of Bond Shares of America, Inc. (Company), a registered, closed-end diversified management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of the Commission exempting Applicant and its co-underwriters from section 30 (f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 (Exchange Act) with respect to their transactions incidental to the distribution of the Company's shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, A. G. Edwards & Sons, Inc. (1 North Jefferson, St. Louis, Mo. 63103), Mitchum, Jones & Templeton, Inc. (555 South Flower Street, Los Angeles, Calif. 90071) and Rotan Mosle, Inc. (2200 Bank of the Southwest Building, Houston, Tex. 77002), are the prospective representatives (Representatives) of a group of underwriters (Underwriters) being formed in connection with the proposed public offering.

Shares of the Company are to be purchased by the Underwriters pursuant to an underwriting agreement (Underwriting Agreement) to be entered into between the Company and the Underwriters, represented by the Representatives. It is intended that the several Underwriters will make a public offering of all of the Company's shares which such Underwriters are to purchase under the Underwriting Agreement, at the price therein specified, as soon on or after the effective date of the Company's Registration Statement on Form S–4 (Registration Statement) as the Representatives deem advisable, and such shares are initially to be offered to the public at a per share public offering price and subject to the underwriting commissions to be specified in the prospectus constituting a part of the Registration Statement at the time the Registration Statement becomes effective under the Securities Act of 1933.

Applicant states that it is possible that the underwriting commitment of any one or more of the Underwriters, including the Applicant and the other Representatives, will exceed 10 percent of the aggregate number of shares of the Company's common stock to be outstanding after the purchase by the several Underwriters pursuant to the Underwriting Agreement or upon the completion of the initial public offering or at some interim time. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act with respect to transactions in the securities of the Company, such Underwriter or Underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b–2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) of the Exchange Act. Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of shares of the Company. Applicant also states that such purchases and sales, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of rule 16b–2 under the Exchange Act.

Applicant further states that it is possible that one or more of the Underwriters, through their participation in the distribution of the Company's shares, may not be exempted from section 16(b) of the Exchange Act by the operation of said rule 16b–2; they may fail to meet the requirement stated in rule 16b–2(a)(3) that the aggregate participation of persons not within the purview of section 16 (b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under rule 16b–2 under the Exchange Act since it is possible that one or more of the Underwriters who, pursuant to the Underwriting Agreement, will purchase more than 10 percent of the shares of the Company, may be obligated to purchase more than 50 percent of the shares of the Company being offered pursuant to the Underwriting Agreement.

Applicant also states that in addition to purchases from the Company and sales of shares to customers, there may be the usual transactions of purchases or sales incident to a distribution, such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant contends that to the best of its knowledge no Underwriter has any inside information; that there is no possibility of using inside information and, in fact, that there is no inside information in existence; and that no director, officer, or employee of any Underwriter is a director, officer, or employee of the Company or Funds, Inc., the Company's investment adviser.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act 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. Applicant further contends that the transactions sought to be exempted cannot lend themselves to the practices which section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to prevent.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation thereunder, 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.

Notice is further given that any interested person may, not later than May 8, 1973, at 12:30 p.m., submit to the Commission in writing a request for a hearing on this 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 should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in 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 herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued 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 the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–8441 Filed 4–30–73;8:45 am]

TARIFF COMMISSION

BROOM CORN BROOMS

Report to the President

APRIL 25, 1973.

In accordance with Executive Order 11377 of October 23, 1967 (32 FR 14725; 3 CFR, 1966–70 Comp., p. 687), to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (79 Stat. 948; 19 U.S.C. 1202), the U.S. Tariff Commission herein reports its judgement as to the estimated domestic consumption of broom corn brooms for the year 1972, the basis for that estimate, and information on U.S. consumption, production, imports, and exports of other types of brooms considered to be competitive with broom corn brooms. For convenience, the Commission also reports cor-

responding data for broom corn brooms for the years 1965 and 1971; and data for competitive brooms for 1968 and 1972.

Estimated Consumption of Broom Corn Brooms

In the judgement of the Commission, consumption in calendar years 1965, 1971, and 1972 of brooms wholly or in part of broom corn was as shown in the table below.

Brooms Wholly or in Part of Broom Corn: U.S. Consumption, 1965, 1971, and 1972

[In dozens]

Type of broom	1965 [1]	1971 [2]	1972
Whiskbrooms of a kind provided for in items 750.26 to 750.28, inclusive, of the tariff schedules	470,612	382,331	446,238
Other brooms of a kind provided for in items 750.29 to 750.31, inclusive, of the tariff schedules	2,878,995	2,772,403	2,649,368

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Mar. 16, 1972.

Basis for the Commission's Judgment With Respect to Broom Corn Brooms

The Commission estimated consumption of broom corn brooms in 1972 by the same methods it used to estimate consumption in its five previous reports pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and subtracting therefrom the quantity of exports. Data on imports were obtained from the Bureau of Customs of the U.S. Treasury Department; data on shipments and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

The data for each of the components used in the computation of apparent annual consumption of broom corn brooms are as shown in the table below.

Whiskbrooms Provided for in TSUS Items 750.26 to 750.28 and Other Brooms Provided for in TSUS Items 750.29 to 750.31: U.S. Producers' Shipments, Imports, Exports, and Apparent Consumption, 1965, 1971, and 1972

[In dozens]

Item	1965 [1]	1971 [2]	1972
	Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive		
U.S. producers' shipments	318,691	289,270	338,008
Imports	152,686	93,766	109,257
Exports	765	705	1,027
Apparent consumption	470,612	382,331	446,238
	Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive		
U.S. producers' shipments	2,596,457	2,565,727	2,457,669
Imports	296,897	213,858	197,556
Exports	14,359	7,182	5,857
Apparent consumption	2,878,995	2,772,403	2,649,368

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Mar. 16, 1972.

Brooms Considered Competitive With Broom Corn Brooms

As reported to the President on May 23, 1969, the Commission concluded that whiskbrooms of all fibers other than broom corn are competitive with whiskbrooms made of broom corn, and that upright brooms of all fibers other than broom corn are competitive with upright broom corn brooms. The Commission further concluded that push brooms 16 inches or less in width generally are competitive with upright broom corn brooms. The "competitive" brooms identified above are generally used for the same purpose as, and are generally substitutable for, broom corn brooms.

The Commission estimates that domestic shipments, imports, exports, and apparent consumption in 1968 [1] and 1972 of the brooms considered to be competitive with broom corn brooms were as shown in the table below.

[1] As reported to the President on May 23, 1969.

Brooms, Competitive With Broom Corn Brooms: Estimated U.S. Producers' Shipments, Imports, Exports, and Apparent Consumption, 1968 and 1972

[In thousands of dozens]

Type of broom	Domestic shipments		Imports		Exports		Apparent consumption	
	1968	1972	1968	1972	1968	1972	1968	1972
Whiskbrooms:								
Plastic fiber	36	123	8	37	(1)	8	44	152
Other fiber	59	32	----	2	(1)	1	59	33
Other (upright) brooms:								
Plastic fiber	193	259	131	106	6	1	318	355
Other fiber	95	47	----	2	2	1	93	48
Push brooms (16" or less in width)	209	317	----	20	1	1	208	336

[1] Less than 500 dozen.

Source: Compiled from data furnished by importers and domestic producers.

By order of the Commission:

[SEAL]

Kenneth R. Mason,
Secretary.

[FR Doc.73-8392 Filed 4-30-73;8:45 am]

[TEA-W-196]

GENERAL ELECTRIC CO., N.Y.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Buffalo, N.Y., plant of the General Electric Co., New York, N.Y., the United States Tariff Commission, on April 26, 1973, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with transistors and diodes (of the type provided for in item 687.60 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before May 11, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in room 437 of the customhouse.

Issued April 26, 1973.

By order of the Commission.

[SEAL] Kenneth R. Mason,
Secretary.

[FR Doc.73-8506 Filed 4-30-73;8:45 am]

[AA1921-119]

STAINLESS STEEL WIRE RODS FROM FRANCE

Notice of Investigation and Hearing

Having received advice from the Treasury Department on April 24, 1973, that stainless steel wire rods from France are being, or are likely to be, sold at less than fair value, the United States Tariff Commission on April 26, 1973, instituted investigation No. AA1921-119 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing.—A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets, NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.s.t., on Tuesday, June 12, 1973. All parties

will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, June 7, 1973.

Issued April 26, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-8509 Filed 4-30-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 229]

ASSIGNMENT OF HEARINGS

APRIL 24, 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 69635 sub 4, the Fortune Corp., now assigned May 22, 1973, at Olympia, Wash., will be held at the Olympia State Game Department, 2d floor, 516 North Washington Street.

AB-5 sub 102, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Centerville and Lytle, Warren, and Montgomery Counties, Ohio, now assigned May 7, 1973, at Dayton, Ohio is cancelled and reassign to May 7, 1973, at Washington Township Hall, 27 North Main Street, Centerville, Ohio.

MC-C-7936, Price Hill Coach Line, Inc. v. Indiana Trails, Inc., and MC 136895 sub 2, White Lines, Inc., now assigned May 9, 1973, at Dayton, Ohio, will be held in room 307, Federal Building and U.S. Courthouse, 118 West 3d Street, instead of room 203, U.S. District Court.

MC 119632 sub 56, Reed Lines, Inc., now assigned May 23, 1973 (1 day), at Columbus, Ohio, is postponed indefinitely.

MC 126625 sub 13, Murphy Surf-Air Trucking Co., Inc., now being assigned hearing June 15, 1973 (1 day), at New Orleans, La., in a hearing room to be later designated.

No. 35768, Cornnuts, Inc. v. All-American Transport, Inc., et al., now assigned May 14, 1973, MC 110093 sub 126, Zero Refrigerated Lines, now assigned May 16, 1973, MC 100666 sub 220, Melton Truck Lines, Inc., now assigned May 17, 1973, will be held in room 2021, Federal Building and Courthouse, 450 Golden Gate Avenue, San Francisco, Calif.

MC 107839 sub 150, Denver-Albuquerque Motor Transport, Inc., now being assigned hearing June 11, 1973 (1 week), at Phoenix, Ariz., in a hearing room to be later designated.

MC-C-7925, Southeastern Freight Lines, et al. v. Crescent Motor Line, Inc., now assigned June 25, 1973, at Columbia, S.C., is postponed indefinitely.

No. 35757, Port of Seattle v. Chicago, Milwaukee, St. Paul and Pacific Railroad Co., No. 35758, Port of Seattle v. Union Pacific Railroad Co., No. 35759, Port of Seattle v. Burlington Northern, Inc., now assigned May 21, 1973, will be held in room 1155, Federal Office Building, 909 First Avenue, Seattle, Wash.

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

[FR Doc.73-8474 Filed 4-30-73;8:45 am]

[Notice No. 232]

ASSIGNMENT OF HEARINGS

APRIL 26, 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-100623 sub 38, Hourly Messengers, Inc., DBA H. M. Package Delivery Service, now assigned June 6, 1973, at Washington, D.C., is canceled and transferred to modified procedure.

MC 13250 sub 120, J. H. Rose Truck Line, Inc., MC 32882 sub 68, Mitchell Bros. Truck Lines, MC 109397 sub 283, Tri-State Motor Transit Co., now being assigned June 18, 1973 (1 week) at Portland, Oreg., in a hearing room to be later designated.

No. 35664, the Department of Defense v. Aberdeen and Rockfish Railroad Company, et al., now assigned April 30, 1973, at Washington, D.C., is postponed to June 4, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

AB 5 sub 129, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, Abandonment portion Southbridge secondary track between Webster, Windham County, Conn. and Southbridge, Worcester County, Mass., now assigned June 11, 1973, at Southbridge, Mass., is cancelled and reassigned to June 11, 1973, in the civil court room, First District Court of Worcester, route 197, Dudley, Mass.

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

[FR Doc.73-8479 Filed 4-30-73;8:45 am]

[Rev. S.O. 994; ICC Order No. 91]

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, agent, the Chicago, Rock Island & Pacific Railroad Co., is unable to transport traffic to or from connections or to or from shippers located at Burlington, Iowa, or at Keokuk, Iowa, because of flooding.

It is ordered, That:

(a) The Chicago, Rock Island & Pacific Railroad Co. being unable to transport traffic to or from connections or to or from shippers located at Burlington, Iowa, or at Keokuk, Iowa, because of flooding, that carrier and its connections are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.*—The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.*—Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.*—This order shall become effective at 11 a.m., April 24, 1973.

(g) *Expiration date.*—This order shall expire at 11:59 p.m., May 11, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 24, 1973.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE, *Agent.*

[FR Doc.73-8476 Filed 4-30-73;8:45 am]

[Rev. S.O. 994; ICC Order No. 90]

ILLINOIS CENTRAL GULF RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, agent, the Illinois Central Gulf Railroad Co. is unable to transport traffic over its line between Kansas City, Mo., and Roodhouse, Ill., because of flooding.

It is ordered, That:

(a) The Illinois Central Gulf Railroad Co., being unable to transport traffic over its line between Kansas City, Mo., and Roodhouse, Ill., because of flooding, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.*—The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.*—Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.*—This order shall become effective at 4:30 p.m., April 23, 1973.

(g) *Expiration date.*—This order shall expire at 11:59 p.m., April 30, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1973.

INTERSTATE COMMERCE COMMISSION.
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.73-8478 Filed 4-30-73;8:45 am]

[Rev Ser Or 994; ICC Order No. 83-A]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 83 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 83 be, and it is hereby, vacated and set aside.

(b) This order shall become effective at 11:59 p.m., April 23, 1973.

It is further ordered, That this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.73-8477 Filed 4-30-73;8:45 am]

[Notice No. 53]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 23, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex parte No. MC-67 (49 CFR part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (sub-No. 289 TA) filed April 5, 1973. Applicant: YOUNGER BROS., INC., P.O. Box 14048, 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon tetrachloride*, in bulk, in tank vehicles, from points in Maricopa County, Ariz., to Sistersville, W. Va., for 180 days. Supporting shipper: Motorola Inc., P.O. Box 20921, Phoenix, Ariz. 85036. Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 61212, Houston, Tex. 77061.

No. MC 52657 (sub-No. 703 TA) filed April 5, 1973. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported foreign made automobiles and trucks*, in secondary truckaway service, restricted to traffic having a prior movement by rail, water, or motor carrier, from the Kansas City, Mo. Commercial Zone, to points in Kansas, Missouri, Nebraska, and South Dakota, for 180 days. Supporting shippers: (1) Midwest Suzuki Sales, Inc., Fred R. Tiedge, partner and secretary, Rural Route No. 1, Box 97-C, Linden Lane Road, Grays Lake, Ill. 60030; (2) Nissan Motor Corp. in U.S.A., Karl A. Henning, transportation manager, 18501 South Figueroa, Carson, Calif. 90248; and (3) Southern Service Co., subsidiary of Amco Industries, Inc., Dolores Rodman (Miss), Traffic Manager, 10750 West Grand Avenue, Franklin Park, Ill. 60131. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., room 1086, Chicago, Ill. 60604.

No. MC 75206 (sub-No. 4 TA), filed April 3, 1973. Applicant: JOHN EMMERT, doing business as Emmert Transfer, Diamond Alley and Pine Street, Bangor, Mich. 49013. Applicant's representative: William J. Verdonk, 513 Phoenix Street, South Haven, Mich. 49090. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza sauce*, in containers, from the plantsite of Emmert Transfer Warehouse at Bangor, Mich., to the plantsites of Saluto Foods Corp. at or near Benton Harbor, Mich., for 180 days.

NOTE.—The applicant states that it does intend to tack with the authority in MC 75206.

Supporting shipper: John E. Cork, administrative assistant, Saluto Foods Corp., Red Arrow Highway at Interstate 196, Benton Harbor, Mich. 49022. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 255 Federal Building, Lansing, Mich. 48933.

No. MC 82841 (sub-No. 114 TA), filed April 13, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and particleboard*, from Roseberg and

Dillard, Oreg. and points within 5 miles of each; and The Dalles, Oreg.; Valsetz, Oreg.; Raymond, Washington; and Omak, Wash.; to points in Iowa, Illinois, Indiana, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Emmer Brothers Co., 6800 France Avenue South, Minneapolis, Minn. 55435. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC 106644 (sub-No. 148 TA), filed April 13, 1973. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 916 (Box ZIP 30301), Chattanoochee Station, 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron or plastic pipe, pipe fittings, watermain fittings, watermeter boxes, valve boxes, manhole covers, frames, including parts and accessories thereto*, from points in Smith County, Tex., to points in Arizona, New Mexico, Colorado, Utah, Nevada, Wyoming, Idaho, California, and Montana, for 180 days. Supporting shippers: Western Foundry, Division of the Mead Corp., Box 899, Tyler, Tex. 75701 and Tyler Corp., Inc., P.O. Box 2027, Tyler, Tex. 75701. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 107403 (sub-No. 845 TA), filed April 4, 1973. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium bifluoride*, in bulk, in tank vehicles, from Paulsboro, N.J., to Tahawas, N.Y., for 180 days. Supporting shipper: Paulsboro Products, Inc., 1401 Broad Street, Clifton, N.J. 07015. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, room 1600, Philadelphia, Pa. 19102.

No. MC 107496 (sub-No. 888 TA), filed April 12, 1973. Applicant: RUAN TRANSPORT CORP., P.O. Box 855, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic solution*, in bulk, in tank vehicles, from Weeping Water, Nebr., to points in Iowa, Minnesota, North Dakota, and Montana, for 150 days. Supporting shipper: American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 113666 (sub-No. 74 TA), filed April 13, 1973. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Latrobe, Pa., Baltimore, Md., and Frankenmuth, Mich., to Cleveland, Ohio, for 180 days. Supporting shipper: Ascot Distributors, Inc., 9812 Quincy Avenue, Cleveland, Ohio 44106. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 114211 (sub-No. 191 TA), filed April 4, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard, 50701, P.O. Box 420, 50704, Waterloo, Iowa. Applicant's representative: Robert J. Molinaro (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Tractors* (except those with vehicle beds frames, and fifth wheels); (b) *equipment* designed for use in conjunction with tractors; (c) *agricultural, industrial, and construction machinery and equipment;* (d) *trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles); (e) *attachments* for the above-described commodities; (f) *internal combustion engines;* and (g) *parts of the above-described commodities* from the plants, warehouse sites, and experimental farms of Deere & Co., at points in Black Hawk and Dubuque Counties, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *returned shipments of the above-described commodities*, on return. Restriction: Restricted in (1) above to the transportation of traffic originating at plantsites, warehouse sites, and experimental farms of Deere & Co., and in (2) above to the transportation destined to said facilities, for 180 days. Supporting shipper: Derre & Co., 400 19th Street, Moline, Ill. 61265. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 115840 (sub-No. 88 TA), filed April 11, 1973. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, P.O. Box 10327, Birmingham, Ala. 35204. Applicant's representative: Roger M. Shaner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduits, moldings, valves, fittings, siding, compounds, joint sealer, bonding cement, and accessories and materials used in the installation thereof* (except commodities in bulk), from the plantsite of Certain-Teed Products Corp., Williamsport, Md., to points in North Carolina, South Carolina, Tennessee, Georgia, Alabama, Florida, and Mississippi, for 180 days. Supporting shipper: Certain-Teed Products Corp., Valley Forg, Pa. 19481. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 123048 (sub-No. 251 TA), filed April 4, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A (Box ZIP 53401), 1919 Hamilton Avenue, Racine, Wis. 53403. Applicant's representative: Carl S. Pope (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rakers, mowers, balers, forage harvesters, corn heads, plows, cultivators, disks, corn planters, manure spreaders, forage blowers, forage wagons, and attachments and parts* for the above commodities, from La Porte, Ind., to points in Colorado, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Allis-Chalmers Corp., Milwaukee, Wis. 53201 (Glenn W. McGrew, Manager—Corporate Transportation). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 124813 (sub-No. 102 TA), filed April 4, 1973. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from the facilities of Linwood Stone Products Co., Inc., at or near Davenport, Iowa, to points in Wisconsin and points in Minnesota on and south of U.S. Highway 12, for 180 days. Supporting shipper: Linwood Stone Products Co., Inc., Rural Route 2, Davenport, Iowa 52804. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 124839 (sub-No. 21 TA), filed April 13, 1973. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, 4800 Augusta Road, Savannah, Ga. 31408. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or waste paper*, from points in Georgia, Florida, South Carolina, Kentucky, Tennessee, and Illinois, to the plantsite and storage facilities of National Gypsum Co. at Coldwater, Ala., for 180 days. Supporting shipper: Gold Bond Building Products, Division National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008,

400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 128985 (sub-No. 6 TA), filed April 12, 1973. Applicant: WILKERSON TRUCKING CO., INC., Route 5, Lenoir City, Tenn. 37771. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and those commodities* used in the manufacture, production, and distribution of motor vehicle parts and accessories (except commodities in bulk), between Ripley, Tenn., on the one hand, and, on the other, points in Alabama, Illinois, Indiana, Missouri, New York, Ohio, South Carolina, Texas, and Wisconsin, for 150 days. Supporting shipper: Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 134071 (sub-No. 5 TA), filed April 6, 1973. Applicant: MODULAR TRANSPORTATION CO., 421 West Fulton, Grand Rapids, Mich. 49502. Applicant's representative: William D. Parsley, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Modular buildings, component parts, materials, accessories, supplies, and other equipment* used in the erection, construction, or installation thereof, from plantsite of Inland-Scholz Housing Systems, Inc., near Milan, Mich., to points in Pennsylvania, Illinois, Ohio, Indiana, New York, Wisconsin, Kentucky, West Virginia, and Maryland, for 180 days. Supporting shipper: Don R. Bundy, Inland-Scholz Housing Systems, 800 County Street, Milan, Mich. 48160. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 134401 (sub-No. 4 TA), filed April 16, 1973. Applicant: SHERWOOD W. HUME, doing business as HUME EQUIPMENT CO., 141 Bell Street, Milton, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements and parts and attachments* for use with the foregoing articles when moving in mixed loads with such articles, from Peoria, Gridley, Quincy, La Salle, and Chicago, Ill.; La Porte, Lafayette, and Winamac, Ind.; Detroit, Three Rivers, and Buchanan, Mich.; Cleveland, Ohio; and Midland, Pa., to the international boundary line between the United States and Canada at the St. Clair, Detroit, Niagara, and St. Lawrence River crossing; Champlain, N.Y.; and Swanton and Derby Line, Vt., for 90 days. Supporting shippers: White-Cockshutt Farm Equipment, A division of White Motor Corp. of Canada Ltd., Bradford, Ontario, Canada, and Cooperative Federee de Quebec, 1055 Rue Du Marche Central, C.P. 500, Station Youville, Montreal 351, Quebec, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 135065 (sub-No. 5 TA), filed April 12, 1973. Applicant: EARL G. DUBOSE, doing business as DUBOSE TRUCKING CO., Route 1, Box 257, Denham Springs, La. 70726. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing matters: books, road maps, and printed signatures*, (A) from Versailles, Ky., to Chicago, Ill., and (B) from Hammond, Ind., to Versailles, Ky., for 180 days. Supporting shipper: Rand McNally & Co., P.O. Box 7600, Chicago, Ill. 60600. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 136228 (sub-No. 7 TA), filed April 5, 1973. Applicant: LUISI TRUCK LINES, INC., New Walla Walla Highway No. 11, P.O. Box 606, Milton-Freewater, Oreg. 97862. Applicant's representative: Eugene Luisi, P.O. Box 606, Milton-Freewater, Oreg. 97862. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Walla Walla, Wash., and Milton-Freewater, Oreg., to Modesto, Fresno, Bakersfield, Los Angeles, San Francisco Bay area, and San Diego, Calif; Reno and Las Vegas, Nev.; and Phoenix, Ariz., for 180 days. Supporting shipper: Rogers Walla Walla, Inc., P.O. Box 998, Walla Walla, Wash. 99362. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine, Portland, Oreg. 97204.

No. MC 138516 (sub-No. 1 TA), filed April 13, 1973. Applicant: ROUNTREE TRANSFER, INC., 210 East Main Street, Swainsboro, Ga. 30401. Applicant's representative: Virgil H. Smith, suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp*, not ground, or powdered, in bales or rolls, from Jessup, Ga., to Brunswick and Savannah, Ga., for 180 days. Supporting shipper: ITT Rayonier, Inc., Jessup Division, P.O. Box 207, Jessup, Ga. 31545. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 138617 (sub-No. 1 TA), filed April 4, 1973. Applicant: JIM'S TRUCK SERVICE, INC., 607 Dearborn Avenue, Waterloo, Iowa 50703. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Waterloo, Iowa, on the one hand, and, on the other, points in that part of Iowa located on and north of Iowa Highway 92, and on and east of U.S. Highway 169, restricted to traffic having a prior or subsequent movement in rail TOFO service, for 180 days.

NOTE.—Applicant will transport trailers to and from piggyback ramp.

Supporting shippers: CIBA-Geigy Corp., Ardsley, N.Y. 10502; Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, Ill. 60015; and Swift Fresh Meats Co., Division of Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Herbert W. Allen, transportation specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

By the Commission.

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

[FR Doc.73-8475 Filed 4-30-73;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

(Assistance Programs)

■

Service Programs for Families and Children and for Aged, Blind, or Disabled Individuals: Titles I, IV (Parts A and B), X, XIV, and XVI of the Social Security Act

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

MISCELLANEOUS AMENDMENTS

Notice of proposed regulations for the programs administered under titles I, IV–A, IV–B, X, XIV, and XVI of the Social Security Act, which would in general revise, combine, and transfer to a new part 221 the regulations for the Family Services and Adult Services programs (in parts 220 and 222), and purchase of service (in part 226), was published in the FEDERAL REGISTER on February 16, 1973 (38 FR 4608). A total of 208,515 comments were received from 198,759 individuals and organizations including Congressmen, governors, State legislators, other State officials, mayors, aldermen, faculties, and students of universities and colleges, labor unions, local chambers of commerce, business executives, providers of child day care and other services, State and local directors of public welfare, civic, professional, and religious organizations, and many others.

Specific comments covered the following substantive concerns:

1. Section 221.6(c) as proposed would exclude from day care many children of working mothers who would then have to quit work and go back on assistance rolls. The 133⅓ percent of the assistance payment level, they claimed, was below 100 percent of the assistance payment standard in several States. Many also felt that the requirements for potential applicants and recipients would seriously limit the number of people eligible for family planning services and thus go counter to congressional and administration objectives in this service area.

Concern was also expressed by a large number of respondents over the effect of these requirements on availability of day care services for mentally retarded children who, without these services, may have to be institutionalized.

The proposed eligibility requirements for potentials and the limitations on costs which could be matched, it was claimed, would make it very difficult to deinstitutionalize aged and mentally retarded recipients who, with services, could live in the community.

These comments were considered and the provisions of § 221.6(c) as proposed have been modified to raise the income limit for eligibility as a potential applicant for or recipient of AFDC to 150 percent of the State's financial assistance payment standard and, with respect to child day care, to authorize use of a State fee schedule for families with incomes above that level but not in excess of 233⅓ percent of the State's financial assistance payment standard. The income limit for potential applicants for or recipients of financial assistance to the aged, blind, or disabled has been raised to 150 percent of the combined total of the Supplementary Security Income benefit level provided for under title XVI of the act (as amended by Public Law 92–603) and the State supplementary benefit level (if any). The matter of day care for mentally retarded children under the Family Services program has been met by a change in the definition of day care services for children (§ 221.9(b)(3)) which will permit such care, when appropriate, for such children who are otherwise eligible, simply by virtue of their being mentally retarded.

2. The proposed prohibition against matching donated private funds (§ 221.62), would diminish sources of services, particularly day care for children of working mothers. Doubt was expressed that States could find sufficient tax dollars to make up for the loss of donated funds. Interest of the voluntary sector in the needs of the poor, it was claimed, would also be diminished. The proposal has been changed to permit the continued matching of donated private funds with stricter administrative controls.

3. The scope of mandated Family Services (§ 221.5(b)(1)) was recommended for expansion. Similar comments were received with respect to Adult Services (§ 221.5(b)(2)). The provisions covering both Family Services and Adult Services have been revised to include legal services as an optional service. It is considered that mandating a limited number of services and allowing for a broad range of optional services provides the States with the kind of program flexibility necessary for the States to meet needs as they exist in each State and as they may change from time to time.

4. The definition of day care services for children (§ 221.9(b)(3)) should require adherence to the Federal Interagency Day Care Requirements: Coincide with that contained in section 301 of Public Law 92–512; and provide day care when needed by a mentally retarded child. The definition of day care services for children has been broadened so as to include, for all eligible children, the provision of day care under circumstances described in section 301 of Public Law 92–512. In addition, the proposal has been changed to require day care facilities and services to comply with such standards as the Secretary may prescribe, and to permit the provision of day care, when appropriate, for eligible children who are mentally retarded.

5. The requirement for quarterly redetermination of eligibility for services of current applicants for and recipients of financial assistance (§ 221.7) was recommended for reduction to every 6 months. This change has been made.

6. The individual service plan requirements (§ 221.8) were considered too detailed particularly with respect to the provision of short-lived services, and that the goals needed amplification in relation to statutory purposes of the program. The section, as proposed, has been rewritten so as to allow the States to establish their own procedures and methods of maintaining documentation to substantiate Federal financial participation within broad Federal criteria specified in the section. Amplification of the goals was considered to be more appropriately placed in the Program Regulation Guide to be issued by SRS shortly.

7. Other changes made by the Administrator are:

(a) Section 221.9(b)(8) has been revised to give States the option of providing, with Federal matching, foster care services for eligible children voluntarily placed in foster care by their legal guardians.

(b) Eligibility requirements for potential applicants and recipients (§ 221.9(b)(3)) have been broadened to include mentally retarded persons who are otherwise eligible but need services to enable them to care for themselves.

(c) Section 221.30(a)(2) has been revised to change from April 1, 1973, to the effective date of this regulation the date on and after which all new agreements for purchased services must meet the requirements of this section. Existing agreements are not required to comply until July 1, 1973.

(d) Federal financial participation in costs of services has been broadened to include medical examinations required for admission to child care facilities when not available under medicaid or other programs (§ 221.53(i)).

(e) Costs of provision of information about and referral for employment purposes to appropriate community resources, without regard to eligibility for assistance and other services, has been added as a matchable administrative cost to § 221.52.

(f) The effective date of these regulations has been changed to July 1, 1973, except as otherwise noted in order to allow for transition.

Accordingly, chapter II, title 45 of the Code of Federal Regulations is amended as follows:

PART 220—SERVICE PROGRAMS FOR FAMILY AND CHILDREN; TITLE 4 PARTS A AND B OF THE SOCIAL SECURITY ACT

(1) Part 220 is revoked, except for §§ 220.35, 220.36, and 220.61(g) (relating to the WIN program under title IV–A of the Social Security Act), and §§ 220.40, 220.49, 220.55, 220.56, 220.62, and 220.65(b), and subpart D (relating to the CWS program under title IV–B of the act). The content of the revoked provisions is revised and transferred to a new part 221, which, to the extent indicated therein, shall be applicable to the WIN and CWS programs under such Part 220.

PARTS 222, 226 [REVOKED]

(2) Parts 222 and 226 are revoked, and their content is revised and transferred to the new part 221.

PART 221—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND, OR DISABLED INDIVIDUALS: TITLES I, IV (PARTS A AND B), X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

(3) Part 221 is added to chapter II to read as set forth below.

Subpart A—Requirements for Service Programs

Sec.

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

§ 221.0 Scope of programs.

(a) Federal financial participation is available for expenditures under the State plan approved under titles I, IV–A, IV–B, X, XIV, or XVI of the act with respect to the administration of service programs under the State plan. The service programs under these titles are hereinafter referred to as: Family services (title IV–A), WIN support services (title IV–A), child welfare services (title IV–B), and adult services (titles I, X, XIV, and XVI). Expenditures subject to Federal financial participation are those made for services provided to families, children, and individuals who have been determined to be eligible, and for related expenditures, which are found by the Secretary to be necessary for the proper and efficient administration of the State plan.

(b) The basic rate of Federal financial participation for family services and adult services under this part is 75 percent provided that the State plan meets all the applicable requirements of this part and is approved by the Social and Rehabilitation Service. Under title IV–A, effective July 1, 1972, the rates are 50 percent for emergency assistance in the form of services, and 90 percent for WIN support services, and effective January 1, 1973, the rate is 90 percent for the offering, arranging, and furnishing, directly or on a contract basis, of family planning services and supplies.

(c) Total Federal financial participation for family services and adult services provided by the 50 States and the District of Columbia may not exceed $2,500 million for any fiscal year, allotted to the States on the basis of their population. No more than 10 percent of the Federal funds payable to a State under its allotment may be paid with respect to its service expenditures for individuals who are not current applicants for or recipients of financial assistance under the State's approved plans, except for services in certain exempt classifications.

(d) Rates and amounts of Federal financial participation for Puerto Rico, Guam, and the Virgin Islands are subject to different rules.

Subpart A—Requirements for Service Programs

§ 221.1 General.

The State plan with respect to programs of family services, WIN support services, child welfare services, and adult services must contain provisions committing the State to meet the requirements of this subpart.

§ 221.2 Organization and administration.

(a) *Single organizational unit.*—(1) There must be a single organizational unit, within the single State agency, at the State level and also at the local level, which is responsible for the furnishing of services by agency staff under title IV, parts A and B. Responsibility for furnishing specific services also furnished to recipients under other public assistance plans (e.g., homemaker service) may be located elsewhere within the agency: *Provided*, That this does not tend to create differences in the quality of services for AFDC and CWS cases. (This requirement does not apply to States where the title IV–A and title IV–B programs were administered by separate agencies on January 2, 1968.)

(2) Such unit must be under the direction of its chief officer who, at the State level, is not the head of the State agency.

(b) *Advisory committee on day-care services.*—An advisory committee on day-care services for children must be established at the State level to advise the State agency on the general policy involved in the provision of day-care services under the title IV–A and title IV–B programs. The committee shall include among its members representatives of other State agencies concerned with day care or services related thereto and persons representative of professional or civic or other public or nonprofit private agencies, organizations or groups concerned with the provision of day care.

(c) *Grievance system.*—There must be a system through which recipients may present grievances about the operation of the service program.

(d) *Program implementation.*—The State plan must provide for State level service staff to carry responsibility for:

(1) Planning the content of the service programs, and establishing and interpreting service policies;

(2) Program supervision of local agencies to assure that they are meeting plan requirements and State policies, and that funds are being appropriately and effectively used; and

(3) Monitoring and evaluation of the services programs.

(e) *Provision of service.*—The State plan must specify how the services will be provided and, in the case of provision by other public agencies, identify the agency and the service to be provided.

§ 221.3 Relationship to and use of other agencies.

There must be maximum utilization of and coordination with other public and voluntary agencies providing similar or related services which are available without additional cost.

§ 221.4 Freedom to accept services.

Families and individuals must be free to accept or reject services. Acceptance of a service shall not be a prerequisite for the receipt of any other services or aid under the plan, except for the conditions related to the work incentive program or other work program under an approved State plan.

§ 221.5 Statutory requirements for services.

(a) In order to carry out the statutory requirements under the act with respect to family services and adult services programs, and in order to be eligible for 75 percent Federal financial participation in the costs of providing services, including the determination of eligibility for services, the State must, under the family services program, provide to appropriate members of the AFDC assistance unit the mandatory services and those optional services the State elects to include in the State plan, and must, under the Adult Services program, provide to appropriate applicants for or recipients of financial assistance under the State plan at least one of the defined services which the State elects to include in the State plan.

(b)(1) For the family services program, the mandatory services are family planning services, foster-care services for children, and protective services for children. The optional services are day-care services for children, educational services, employment services (non-WIN), health-related services, homemaker services, home management and other functional educational services, housing improvement services, legal services and transportation services.

(2) For the adult services program, the defined services are chore services, day-care services for adults, educational services, employment services, family planning services, foster-care services for adults, health-related services, home delivered or congregate meals, homemaker services, home management and other functional educational services, housing improvement services, legal services protective services for adults, special services for the blind, and transportation services.

§ 221.6 Services to additional families and individuals.

(a) If a State elects to provide services for additional groups of families or individuals, the State plan must identify such groups and specify the services to be made available to each group.

(b) If a service is not included for recipients of financial assistance under the State plan, it may not be included for any other group.

(c) The State may elect to provide services to all or to reasonably classified subgroups of the following:

(1) Families and children who are current applicants for financial assistance under title IV–A.

(2) Families and individuals who have been applicants for or recipients of financial assistance under the State plan within the previous 3 months, but only to the extent necessary to complete provision of services initiated before withdrawal or denial of the application or termination of financial assistance.

(3) Families and individuals who are likely to become applicants for or recipients of financial assistance under the State plan within 6 months, i.e., those who:

(i) (A) with respect to title IV–A, (*1*) do not have income exceeding 150 percent of the State's financial assistance payment standard; or (2) with respect to eligibility for day-care services for children, do not have income exceeding the maximum allowable under the State's schedule of fees to be paid for such services by otherwise eligible families, as contained in the State's approved plan; or

(B) With respect to title I, X, XIV, or XVI, do not have income exceeding 150 percent of the combined total of the supplementary security income benefit level provided for under title XVI of the act (as amended by Public Law 92–603) and the State supplementary benefit level (if any); and

(ii) Do not have resources that exceed permissible levels for such financial assistance under the State plan or under the amended title XVI, if applicable; and

(iii) (A) In the case of eligibility under title IV–A, have a specific problem or problems which are susceptible to correction or amelioration through provision of services and which will lead to dependence on financial assistance under title IV–A within 6 months if not corrected or ameliorated; or

(B) In the case of eligibility under title I, X, XIV, or XVI, have a specific problem or problems which are susceptible to correction or amelioration through provisions of services and which will lead to dependence on financial assistance under such title, or medical assistance, within 6 months if not corrected or ameliorated; and who are

(*1*) At least 64½ years of age for linkage to title I or title XVI with respect to the aged;

(2) Experiencing serious, progressive deterioration of sight that, as substantiated by medical opinion, is likely to reach the level of the State agency's definition of blindness within 6 months, for linkage to title X, or title XVI with respect to the blind; or

(3) According to licensed physician's opinion as approved by the State agency, experiencing a physical or mental condition which is likely to result within 6 months in permanent and total disability, for linkage to title XIV, or title XVI with respect to the disabled.

(iv) Notwithstanding the provisions of this subparagraph (3) or § 221.7(b)(1), an eligible mentally retarded individual may for the period July 1, 1973, through December 31, 1973, be considered by the State as eligible for services for so much of such period as the mentally retarded individual continues to meet the eligibility requirements of § 222.55(a)(2) of this chapter, as previously in effect. "Mentally retarded individual" means an individual, not psychotic, who, according to a licensed physician's opinion, is so mentally retarded from infancy or before reaching 18 years of age that he is incapable of managing himself and his affairs independently, with ordinary prudence, or of being taught to do so, and who requires supervision, control, and care, for his own welfare, or for the welfare of others, or for the welfare of the community.

(v) Notwithstanding the provisions of this subparagraph (3), or § 221.7(b)(1), children of migrant workers may be considered by the State to be eligible for day-care services through December 31, 1973, on the basis of the provisions of part 220 as previously in effect.

(4) Aged, blind, or disabled persons who are likely to become applicants for or recipients of financial assistance under the State plan within 6 months as evidenced by the fact that they are currently eligible for medical assistance as medically needy individuals under the State's title XIX plan.

§ 221.7 Determination and redetermination of eligibility for services.

(a) The State agency must make a determination that each family and individual is eligible for family services or adult services prior to the provision of services under the State plan.

(1) In the case of current applicants for or recipients of financial assistance under the State plan, this determination must take the form of verification by the organizational unit responsible for the furnishing of services with the organizational unit responsible for determination of eligibility for financial assistance that the family or individual has submitted an application for assistance which has not been withdrawn or denied or that the family or individual is currently receiving financial assistance. This verification must identify each individual whose needs are taken into account in the application or the determination of the amount of financial assistance.

(2) In the case of families or individuals who are found eligible for services on the basis that they are likely to become applicants for or recipients of financial assistance under the State plan, this determination must be based on evidence that the conditions of eligibility have been met, and must identify the specific problems which, if not corrected or ameliorated, will lead to dependence on such financial assistance.

(b) The State agency must make a redetermination of eligibility of each family and individual receiving services as follows:

(1) Within 3 months of the effective date of this regulation for all families and individuals receiving services initiated prior to that date.

(2) Every 6 months for families and individuals whose eligibility is based on their status as current applicants for or recipients of financial assistance. (This redetermination may be accomplished by comparison of financial assistance rolls or eligibility listings with service eligibility listings.)

(3) Within 30 days of the date that the status of the family or individual as a current applicant for or recipient of financial assistance is terminated, in order to determine the need for continuation of services initiated prior to such change in status.

(4) Within 6 months of the date of the original determination of eligibility and of any subsequent redetermination of eligibility for families and individuals whose eligibility is based on the determination that they are likely to become applicants for or recipients of financial assistance.

§ 221.8 Program control and coordination.

The State agency must establish procedures and maintain documentation (including the aggregation and assimilation of data) to substantiate that Federal financial participation under the State's family services or adult services program is claimed only for services which:

(a) Support attainment of the following goals:

(1) *Self-support goal.*—To achieve and maintain the feasible level of employment and economic self-sufficiency. (Not applicable to the aged under the adult services program.)

(2) *Self-sufficiency goal.*—In the case of applicants for or recipients of assistance under the blind, aged, disabled, and family programs, to achieve and maintain personal independence and self-determination.

(b) Are provided to recipients who have been determined and redetermined to be eligible in accordance with the applicable provisions.

(c) Are evaluated at least once every 6 months to assure their effectiveness in helping a family or individual to achieve the goal toward which services are directed.

(d) Are not available without cost to the State agency.

§ 221.9 Definitions of services.

(a) This section contains definitions of all mandatory and optional services under the family services program and the defined services under the adult services program (see §§ 221.5 and 221.6).

(b) (1) *Chore services.*—This means the performance of household tasks, essential shopping, simple household repairs, and other light work necessary to enable an individual to remain in his

own home when he is unable to perform such tasks himself and they do not require the services of a trained homemaker or other specialist.

(2) *Day care services for adults.*—This means personal care during the day in a protective setting approved by the State or local agency.

(3) *Day care services for children.*—This means care of a child for a portion of the day, but less than 24 hours, in his own home by a responsible person, or outside his home in a day care facility. Such care must be for the purpose of enabling the caretaker relatives to participate in employment or training, or because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate and necessary care and supervision for such child. Day care may also be provided, when appropriate, for eligible children who are mentally retarded. In-home care must meet State agency standards, that, as a minimum, include requirements with respect to: The responsible person's capacity and available time to properly care for children; minimum and maximum hours to be allowed per 24-hour day for such care; maximum number of children that may be cared for in the home at any one time; and proper feeding and health care of the children. Day care facilities used for the care of children must be licensed by the State or approved as meeting the standards for such licensing and day care facilities and services must comply with such standards as may be prescribed by the Secretary.

(4) *Educational services.*—This means helping individuals to secure educational training most appropriate to their capacities, from available community resources at no cost to the agency.

(5) *Employment services (non-WIN under title IV–A and for the blind or disabled).*—This means enabling appropriate individuals to secured paid employment or training leading to such employment, through vocational, educational, social, and psychological diagnostic assessments to determine potential for job training or employment; and through helping them to obtain vocational education or training at no cost to the agency.

(6) *Family planning services.*—(i) For family services this means social, educational, and medical services to enable appropriate individuals (including minors who can be considered to be sexually active) to limit voluntarily the family size or space the children, and to prevent or reduce the incidence of births out of wedlock. Such services include printed materials, group discussions, and individual interviews which provide information about and discussion of family planning; medical contraceptive services and supplies; and help in utilizing medical and educational resources available in the community. Such services must be offered and be provided promptly (directly or under arrangements with others) to all eligible individuals voluntarily requesting them.

(ii) For adult services this means social and educational services, and help in securing medical services, to enable individuals to limit voluntarily the family size or space the children, and to prevent or reduce the incidence of births out of wedlock. Such services include printed materials, group discussions, individual interviews which provide information about and discussion of family planning, and help in utilizing medical and educational resources available in the community.

(7) *Foster care services for adults.*—This means placement of an individual in a substitute home which is suitable to his needs, supervision of such home, and periodic review of the placement, at least annually, to determine its continued appropriateness. Foster care services do not include activities of the home in providing care or supervision of the individual during the period of his placement in the home.

(8) *Foster care services for children.*—This means placement of a child in a foster family home, or appropriate group care facility (i) as a result of a judicial determination to the effect that continuation of care in the child's own home would be contrary to the welfare of such child, and (ii) at the option of the State, at the request of the legal guardian; services needed by such child while awaiting placement; supervision of the care of such child in foster care and of the foster care home or facility, to assure appropriate care; counseling with the parent or other responsible relative to improve home conditions and enable such child to return to his own home or the home of another relative, as soon as feasible; and periodic review of the placement, at least annually, to determine its continuing appropriateness. Foster care services do not include activities of the foster care home or facility in providing care or supervision of the child during the period of placement of the child in the home or facility. A foster care home or facility used for care of children must be licensed by the State in which it is situated or have been approved, by the agency of such State responsible for licensing home or facilities of this type, as meeting the standards established for such licensing.

(9) *Health-related services.*—This means helping individuals and families to identify health needs and to secure needed health services available under medicaid, medicare, maternal and child health programs, handicapped children's programs or other agency health services programs and from other public or private agencies or providers of health services; planning, as appropriate, with the individual and health providers to help assure continuity of treatment and carrying out of health recommendations; and helping such individual to secure admission to medical institutions and other health related facilities.

(10) *Home delivered or congregate meals.*—This means the preparation and delivery of hot meals to an individual in his home or in a central dining facility as necessary to prevent institutionalization or malnutrition.

(11) *Homemaker services.*—(i) For family services this means care of individuals in their own homes, and helping individual caretaker relatives to achieve adequate household and family management, through the services of a trained and supervised homemaker.

(ii) For adult services this means care of individuals in their own homes, and helping individuals in maintaining, strengthening, and safeguarding their functioning in the home through the services of a trained and supervised homemaker.

(12) *Home management and other functional educational services.*—This means formal or informal instruction and training in management of household budgets, maintenance and care of the home, preparation of food, nutrition, consumer education, child rearing, and health maintenance.

(13) *Housing improvement services.*—This means helping families and individuals to obtain or retain adequate housing. Housing and relocation costs, including construction, renovation or repair, moving of families or individuals, rent, deposits, and home purchase, may not be claimed as service costs.

(14) *Legal services.*—This means the services of a lawyer in solving legal problems of eligible individuals to the extent necessary to obtain or retain employment. This excludes all other legal services, including fee generating cases, criminal cases, class actions, community organization, lobbying, and political action.

(15) *Protective services for adults.*—This means identifying and helping to correct hazardous living conditions or situations of an individual who is unable to protect or care for himself.

(16) *Protective services for children.*—This means responding to instances, and substantiating the evidence, of neglect, abuse, or exploitation of a child; helping parents recognize the causes thereof and strengthening (through arrangement of one or more of the services included in the State plan) parental ability to provide acceptable care; or, if that is not possible, bringing the situation to the attention of appropriate courts or law enforcement agencies, and furnishing relevant data.

(17) *Special services for the blind.*—This means helping to alleviate the handicapping effects of blindness through: Training in mobility, personal care, home management, and communication skills; special aids and appliances; special counseling for caretakers of blind children and adults; and help in securing talking-book machines.

(18) *Transportation services.*—This means transportation necessary to travel to and from community facilities or resources for receipt of mandatory or optional services.

§ 221.30 Purchase of services.

(a) A State plan under title I, IV–A, X, XIV, or XVI of the act, which authorizes the provision of services by purchase from other State or local public agencies, from nonprofit or proprietary private agencies or organizations, or from individuals, must with respect to services which are purchased:

(1) Include a description of the scope and types of services which may be purchased under the State plan;

(2) Provide that the State or local agency will negotiate a written purchase of services agreement with each public or private agency or organization in accordance with requirements prescribed by SRS. Effective upon issuance of this regulation, all new agreements for purchased services must meet the requirements of this paragraph; existing agreements must meet the requirements by July 1, 1973. A written agreement or written instructions which meet the requirements of this paragraph must also be executed or issued by the single State or local agency where services are provided under the plan directly by the State or local agency in respect to activities added by reorganization of administrative structure, redesignation of the State or local agency, or otherwise, occuring after February 15, 1973, or are provided by any public agency as to which a waiver of the single State agency requirement pursuant to section 204 of the Intergovernmental Cooperation Act is granted after February 15, 1973. These written purchase of service agreements and other written agreements or instructions are subject to prior review and approval by the SRS regional office to the extent prescribed in, and in accordance with, instructions issued by SRS;

(3) Provide that services will be purchased only if such services are not available without cost;

(4) Provide that purchase of services from individuals will be documented as to type, cost, and quantity. If an individual acts as an agent for other providers, he must enter into a formal purchase of services agreement with the State or local agency in accordance with paragraph (a)(2) of this section;

(5) Provide that overall planning for purchase of services, and monitoring and evaluation of purchased services, must be done directly by staff of the State or local agency;

(6) Provide that the State or local agency will determine the eligibility of individuals for services and will authorize the types of services to be provided to each individual and specify the duration of the provision of such services to each individual;

(7) Assure that the sources from which services are purchased are licensed or otherwise meet State and Federal standards;

(8) (i) Provide for the establishment of rates of payment for such services which do not exceed the amounts reasonable and necessary to assure quality of service, and in the case of services purchased from other public agencies, are in accordance with the cost reasonably assignable to such services;

(ii) Describe the methods used in establishing and maintaining such rates; and

(iii) Indicate that information to support such rates of payment will be maintained in accessible form; and

(9) Provide that, where payment for services is made to the recipient for payment to the vendor, the State or local agency will specify to the recipient the type, cost, quantity, and the vendor of the service, and the agency will establish procedures to insure proper delivery of the service to, and payment by, the recipient.

(b) In the case of services provided, by purchase, as emergency assistance to needy families with children under title IV–A, the State plan may provide for an exception from the requirements in paragraph (a) (2), (4), (7), and (8) of this section, but only to the extent and for the period necessary to deal with the emergency situation.

(c) All other requirements governing the State plan are applicable to the purchase of services, including:

(1) General provisions such as those relating to single State agency, grievances, safeguarding of information, civil rights, and financial control and reporting requirements; and

(2) Specific provisions as to the programs of services such as those on required services, maximum utilization of other agencies providing services, and relating services to defined goals.

Subpart B—Federal Financial Participation

TITLES I, IV–A, X, XIV, AND XVI

§ 221.51 General.

Federal financial participation is available for expenditures under the State plan which are:

(a) Found by the Secretary to be necessary for the proper and efficient administration of the State plan;

(b) (1) For services under the State plan provided, under the procedures for program control and coordination specified in this part, to families and individuals included under the State plan who have been determined (and redetermined) to be eligible pursuant to the provisions of this part;

(2) For other activities which are essential to the management and support of such services;

(3) For emergency assistance in the form of services to needy families with children (see § 233.120 of this chapter); and

(c) Identified and allocated in accordance with SRS instructions and OMB Circular A–87.

§ 221.52 Expenditures for which Federal financial participation is available.

Federal financial participation is available in expenditures for:

(a) Salary, fringe benefits, and travel costs of staff engaged in carrying out service work or service-related work;

(b) Costs of related expenses, such as equipment, furniture, supplies, communications, and office space;

(c) Costs of services purchased in accordance with this part;

(d) Costs of State advisory committees on day-care services for children, including expenses of members in attending meetings, supportive staff, and other technical assistance;

(e) Costs of agency staff attendance at meetings pertinent to the development or implementation of Federal and State service policies and programs;

(f) Cost to the agency for the use of volunteers;

(g) Costs of operation of agency facilities used solely for the provision of services, except that appropriate distribution of costs is necessary when other agencies also use such facilities in carrying out their functions, as might be the case in comprehensive neighborhood service centers;

(h) Costs of administrative support activities furnished by other public agencies or other units within the single State agency which are allocated to the service programs in accordance with an approved cost allocation plan or an approved indirect cost rate as provided in OMB Circular A–87;

(i) With prior approval by SRS, costs of technical assistance, surveys, and studies performed by other public agencies, private organizations, or individuals to assist the agency in developing, planning, monitoring, and evaluating the services program when such assistance is not available without cost;

(j) Costs of emergency assistance in the form of services under title IV–A;

(k) Costs incurred on behalf of an individual under title I, X, XIV, or XVI for securing guardianship or commitment;

(l) Costs of public liability and other insurance protection;

(m) Costs of provision of information about and referral to appropriate community resources for purposes of assisting an individual in securing employment or training or information about employment or training, without regard to eligibility for assistance or other service; and

(n) Other costs, upon approval by SRS.

§ 221.53 Expenditures for which Federal financial participation is not available.

Federal financial participation is not available under this part in expenditures for:

(a) Carrying out any assistance payments functions, including the assistance payments share of costs of planning and implementing the separation of services from assistance payments;

(b) Activities which are not related to services provided by agency staff or volunteers, by arrangements with other agencies, organizations, or individuals, at no cost to the service program, or by purchase;

(c) Purchased services which are not secured in accordance with this part;

(d) Construction and major renovations;

(e) Vendor payments for foster care (they are assistance payments);

(f) Issuance of licenses or the enforcement of licensing standards;

(g) Education programs and educational services except those defined in § 221.9 (b)(4) and (5);

(h) Housing and relocation costs, including construction, renovation or repair, moving of families or individuals, rent, deposits, and home purchase;

(i) Medical, mental health, or remedial care or services, except when they are:

(1) Part of the family planning services under title IV–A, including medical services or supplies for family planning purposes; or

(2) Medical examinations which are required for admission to child-care facilities or for persons caring for children under agency auspices, and then, only to the extent that the examination is not available under medicaid or not otherwise available without cost;

(j) Subsistence and other maintenance assistance items;

(k) Costs of day-care services for children of families having incomes in excess of 233⅓ percent of the State's financial assistance payment standard;

(l) Transportation which is provided under the State's title XIX plan;

(m) Effective January 1, 1974, costs of employment services (non-WIN) under title IV–A provided to persons who are eligible to participate in WIN under title IV–C of the act, unless the WIN program has not been initiated in the local jurisdiction; and

(n) Other costs not approved by SRS.

§ 221.54 Rates and amounts of Federal financial participation.

(a) Federal financial participation is available at the 75-percent rate for service costs identified in § 221.52: *Provided*, The State plan is approved as meeting the requirements of subpart A of this part under this provision:

(1) Federal financial participation at the 75-percent rate includes:

(i) Salary, fringe benefits and travel costs of service workers and their supervisors giving full time to services and for staff entirely engaged (either at the State or local level) in developing, planning, and evaluating services;

(ii) Salary costs of service-related staff, such as supervisors, clerks, secretaries, and stenographers, which represent that portion of the time spent in supporting full-time service staff; and

(iii) All indirect costs which have been allocated in accordance with an approved cost allocation plan and with the requirements of OMB Circular A–87.

(2) Federal financial participation at the 50-percent rate is available for:

(i) Salary, fringe benefits, and travel cost allocation plan and with the re- for both services and assistance payments functions and supervisory costs related to such workers;

(ii) Salary costs of related staff, such as administrators, supervisors, clerks secretaries, and stenographers, which represent that portion of the time spent in supporting staff carrying responsibility for both services and assistance payments functions; and

(iii) All indirect costs which have been allocated in accordance with an approved cost allocation plan and with the requirements of OMB Circular A–87.

(b) *Federal financial participation for purchased services.*—(1) Federal financial participation is available at the 75-percent rate in expenditures for purchase of service under the State plan to the extent that payment for purchased services is in accordance with rates of payment established by the State which do not exceed the amounts reasonable and necessary to assure quality of service and, in the case of services purchased from other public agencies, the cost reasonably assignable to such services, provided the services are purchased in accordance with the requirements of this part.

(2) Services which may be purchased with Federal financial participation are those for which Federal financial participation is otherwise available under title I, IV–A, X, XIV, or XVI of the act and which are included under the approved State plan, except as limited by the provisions of paragraph (b)(3) of this section.

(3)(i) Effective March 1, 1973, through June 30, 1973, Federal financial participation is available for a new purchase of services from another public agency only for services beyond those represented by fiscal year 1972 expenditures of the provider agency (or its predecessors) for the type of service and the type of persons covered by the agreement. A new purchase of service from another public agency is any purchase of services other than a purchase for the type of service and the type of persons covered by an agreement that was validly subject to Federal financial participation under title I, IV–A, X, XIV, or XVI prior to February 16, 1973.

(ii) Effective July 1, 1973, subject to the conditions in subdivision (i) of this subparagraph (3), Federal financial participation is available for a new purchase of service as follows:

(A) July 1, 1973–June 30, 1974—only for services beyond those represented by 75 percent of fiscal year 1973 expenditures.

(B) July 1, 1974–June 30, 1975—only for services beyond those represented by 50 percent of fiscal year 1973 expenditures.

(C) July 1, 1975–June 30, 1976—only for services beyond those represented by 25 percent of fiscal year 1973 expenditures.

(4) The provisions of paragraph (b)(3) of this section also apply to services provided, directly or through purchase, by:

(i) Any public agency as to which a waiver of the single State agency requirement pursuant to section 204 of the Intergovernmental Cooperation Act is granted after February 15, 1973, or

(ii) The State or local agency, as to activities added by reorganization of administrative structure, redesignation of the State or local agency, or otherwise, occurring after February 15, 1973.

§ 221.55 Limitations on total amount of Federal funds payable to States for services.

(a) The amount of Federal funds payable to the 50 States and the District of Columbia under titles I, IV–A, X, XIV, and XVI for any fiscal year (commencing with the fiscal year beginning July 1, 1972) with respect to expenditures made after June 30, 1972 (see para. (b) of this section), for services (other than WIN support services, and emergency assistance in the form of services, under title IV–A) is subject to the following limitations:

(1) The total amount of Federal funds paid to the State under all of the titles for any fiscal year with respect to expenditures made for such services shall not exceed the State's allotment, as determined under paragraph (c) of this section; and

(2) The amounts of Federal funds paid to the State under all of the titles for any fiscal year with respect to expenditures made for such services shall not exceed the limits pertaining to the types of individuals served, as specified under paragraph (d) of this section.

Notwithstanding the provisions of paragraphs (c)(1) and (d) of this section, a State's allotment for the fiscal year commencing July 1, 1972, shall consist of the sum of:

(i) An amount not to exceed $50 million payable to the State with respect to the total expenditures incurred, for the calendar quarter beginning July 1, 1972, for matchable costs of services of the type to which the allotment provisions apply, and

(ii) An amount equal to three-fourths of the State's allotment as determined in accordance with paragraphs (c)(1) and (d) of this section.

However, no State's allotment for such fiscal year shall be less than it would otherwise be under the provisions of paragraphs (c)(1) and (d) of this section.

(b) For purposes of this section, expenditures for services are ordinarily considered to be incurred on the date on which the cash transactions occur or the date to which allocated in accordance with OMB Circular A–87 and cost allocation procedures prescribed by SRS. In the case of local administration, the date of expenditure by the local agency governs. In the case of purchase of services from another public agency, the date of expenditure by such other public agency governs. Different rules may be applied with respect to a State, either generally or for particular classes of expenditures, only upon justification by the State to the Administrator and approval by him. In reviewing State requests for approval, the Administrator will consider generally applicable State

law, consistency of State practice, particularly in relation to periods prior to July 1, 1972, and other factors relevant to the purposes of this section.

(c)(1) For each fiscal year (commencing with the fiscal year beginning on July 1, 1972) each State shall be allotted an amount which bears the same ratio to $2,500 million as the population of such State bears to the population of all the States.

(2) The allotment for each State will be promulgated for each fiscal year by the Secretary between July 1 and August 31 of the calendar year immediately preceding such fiscal year on the basis of the population of each State and of all the States as determined from the most recent satisfactory data available from the Department of Commerce at such time.

(d) Not more than 10 percent of the Federal funds shall be paid with respect to expenditures in providing services to individuals (eligible for services) who are not recipients of aid or assistance under State plans approved under such titles, or applicants for such aid or assistance, except that this limitation does not apply to the following services provided to eligible persons:

(1) Services provided to meet the needs of a child for personal care, protection, and supervision (as defined under day care services for children) but only in the case of a child where the provision of such services is necessary in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or because of the death, continued absence from home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate and necessary care and supervision for such child;

(2) Family planning services;

(3) Any services included in the approved State plan that are provided to an individual diagnosed as mentally retarded by a State mental retardation clinic or other agency or organization recognized by the State agency as competent to make such diagnoses, or by a licensed physician, but only if such services are needed for such individual by reason of his condition of being mentally retarded;

(4) Any services included in the approved State plan provided to an individual who has been certified as a drug addict by the director of a drug abuse treatment program licensed by the State, or to an individual who has been diagnosed by a licensed physician as an alcoholic or drug addict, but only if such services are needed by such individual as part of a program of active treatment of his condition as a drug addict or an alcoholic; and

(5) Foster care services for children when needed by a child because he is placed in foster care, or awaiting placement.

§ 221.56 Rates and amounts of Federal financial participation for Puerto Rico, the Virgin Islands, and Guam.

(a) For Puerto Rico, the Virgin Islands, and Guam, the basic rate for Federal financial participation for family services and WIN support services under title IV–A is 60 percent. However, effective July 1, 1972, the rate is 50 percent for emergency assistance in the form of services.

(b) For family planning services and for WIN support services, the total amount of Federal funds that may be paid for any fiscal year shall not exceed $2 million for Puerto Rico, $65,000 for the Virgin Islands, and $90,000 for Guam. Other services are subject to the overall payment limitations for financial assistance and services under titles I, IV–A, X, XIV, and XVI, as specified in section 1108(a) of the Social Security Act.

(c) The rates and amounts of Federal financial participation set forth in § 221.54 (a) and (b) apply to Puerto Rico, the Virgin Islands, and Guam, except that the 60 percent rate of Federal financial participation is substituted as may be appropriate. The limitation in Federal payments in § 221.55 does not apply.

TITLES I, IV–A, IV–B, X, XIV, AND XVI

§ 221.61 Public sources of State's share.

(a) Public funds, other than those derived from private resources, used by the State or local agency for its services programs may be considered as the State's share in claiming Federal reimbursement where such funds are:

(1) Appropriated directly to the State or local agency; or

(2) Funds of another public agency which are:

(i) Transferred to the State or local agency and are under its administrative control; or

(ii) Certified by the contributing public agency as representing current expenditures for services to persons eligible under the State agency's services programs, subject to all other limitations of this part.

Funds from another public agency may be used to purchase services from the contributing public agency, in accordance with the regulations in this part on purchase of services.

(b) Public funds used by the State or local agency for its services programs may not be considered as the State's share in claiming Federal reimbursement where such funds are:

(1) Federal funds, unless authorized by Federal law to be used to match other Federal funds;

(2) Used to match other Federal funds; or

(3) Used to purchase services which are available without cost. In respect to purchase of services from another public agency, see also § 221.54(b) with respect to rates and amounts of Federal financial participation.

§ 221.62 Private sources of State's share.

(a) Donated private funds for services may be considered as State funds in claiming Federal reimbursement where such funds are:

(1) Transferred to the State or local agency and under its administrative control; and

(2) Donated on an unrestricted basis (except that funds donated to support a particular kind of activity, e.g., day care services, homemaker services, or to support a particular kind of activity in a named community, are acceptable provided the donating organization is not a sponsor or operator of the type of activity being funded).

(b) Donated private funds for services may not be considered as State funds in claiming Federal reimbursement where such funds are:

(1) Contributed funds which revert to the donor's facility or use.

(2) Donated funds which are earmarked for a particular individual or to a particular organization or members thereof.

Effective date.—The regulations in this part shall be effective on July 1, 1973.

Dated April 25, 1973.

PHILIP J. RUTLEDGE,
Acting Administrator,
Social and Rehabilitation Service.

Approved April 26, 1973.

CASPAR W. WEINBERGER,
Secretary.

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