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PART I

(Part II begins on page 1695)

NOTICE TO READERS

This week several new features are being introduced to remind readers of important action dates established by documents published in the FEDERAL REGISTER.

Beginning today, two new lists will be published. One, entitled "Next Week's Deadlines for Comment on Proposed Rules," will serve as a weekly reminder to readers of the opportunity to participate in certain administrative actions of their Government. The other, entitled "Next Week's Hearings," will itemize hearings that appear to be of interest to broad segments of the public. These lists will appear every Wednesday and will cover the week beginning on the Monday following publication.

On Thursday, January 18th, a list entitled "Rules Going into Effect Today" will be introduced. When a rule becomes effective more than 14 days after publication in the FEDERAL REGISTER a reminder will be published on the day that the rule goes into effect. This list will appear daily.

Other changes scheduled to be introduced during January involve changes in the typography of the Highlights, contents pages, and various headings—all designed to make the FEDERAL REGISTER easier to use.

The Administrative Committee of the Federal Register is interested in continued improvement of the FEDERAL REGISTER in order to serve readers more efficiently. Comments on these changes and recommendations for other improvements are welcome. Write to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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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 these lists were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from these lists has no legal significance. Since these lists are intended as reminders, they do not include effective dates, comment deadlines, or hearing dates that occur within 14 days of publication.)

Next Week's Deadlines for Comments on Proposed Rules

(This listing is limited to proposed rules published after October 1, 1972, with a deadline date for comments occurring during the week of Jan. 21–Jan. 27, 1973.)

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Common carriers by water in foreign commerce of U.S. and conferences of such carriers; requirements regarding filing of tariffs—FMC..... 28307; 12–22–72

Relocation assistance and real property acquisition policies—HEW.... 26523; 12–13–72

Papayas grown in Hawaii; limitation of handling—USDA..... 38 FR 1395; 1–12–73

Ampicillin monographs; recodification and technical revision—FDA.. 24830; 11–22–72

Use of public records in determining public assistance eligibility—HEW 28189; 12–21–72

Airspace transition areas at Scottsbluff, Nebr.; Doylestown, Pa.; and Babylon, N.Y.—FAA.. 28190, 28191; 12–21–72

Nondiscrimination and equal employment opportunity in federally assisted programs—CSC.... 28191; 12–21–72

Closing completed contract files—HEW..... 28428; 12–23–72

Freight rates and charges; procedures governing increases—ICC..... 26609; 12–14–72

Estate taxes; deductions for certain family expenses—IRS..... 28302; 12–22–72

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Drug Abuse Education Program; minigrants and contracts; criteria—OE..... 28426; 12–23–72

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Live poultry purchases; time of payment for packers, dealers, and handlers—USDA..... 28186; 12–21–72

Etiologic agents; shipment of cultures on passenger aircraft—DoT..... 25243 11–29–72

Drawbridge operations; Wabash River, Ill.—Coast Guard.. 26833; 12–16–72

JANUARY 24

First aid kits on airline aircraft; requirements—FAA..... 25052; 11–25–72

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Coal mine safety standards; equipment, testing devices, communications systems, escape routes, etc.—Interior Dept..... 26422; 12–12–72

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Coast Guard. Marine shipment of cultures of etiologic agents..... 26531; 12–13–72

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Pollution of Great Lakes boundary waters. Held at London, Ont.—Intnl. Jt. Comm..... 27660; 12–19–72

JANUARY 25

Coast Guard. Proposed bridge across Doctors Pass Waterway, Florida..... 26843; 12–16–72

Federal Railroad Admn. Freight cars and freight car components; safety standards..... 24445; 11–17–72

Pollution of Great Lakes boundary waters. Held at Toronto, Ont.—Intnl. Jt. Comm..... 27659; 12–19–72

AEC—Washington Public Power Supply System, Hanford No. 2 Nuclear Power Plant. Health, safety and environmental considerations.. 38 FR 72; 1–3–73

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

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Confidential Assistant to the Special Assistant to the Secretary is excepted under Schedule C.

Effective on January 17, 1973, subparagraph (46) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

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

(46) One Confidential Assistant to the Special Assistant to the Secretary.

* * * * *

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

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

[FR Doc.73-979 Filed 1-16-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-WA-66]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change to Area High Route Waypoint

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to make a change of the name Summerville, Ga., to Trion, Ga., in area high route J952R.

A policy to eliminate the duplication of names for air navigation aids has been adopted by the Federal Aviation Administration. Therefore, action is taken herein to make this change.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective March 1, 1973.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

Section 75.400 (38 FR 700) is amended as follows:

In J952R "Summerville, Ga., 34°37'25" N., 85°14'12" W. Atlanta, Ga.," is deleted and "Trion, Ga., 34°37'25" N., 85°-14'12" W. Atlanta, Ga.," is substituted therefor.

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

Issued in Washington, D.C., on January 10, 1973.

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

[FR Doc.73-947 Filed 1-16-73;8:45 am]

[Airspace Docket No. 71-WA-14]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On December 7, 1972, FR Doc. 72-20964 was published in the FEDERAL REGISTER (37 FR 26003) which amends Part 75 of the Federal Aviation Regulations, effective 0901 G.m.t., February 1, 1973.

This document amended Part 75 of the Federal Aviation Regulations, in part, by including the Cabin Creek, Colo., waypoint in area high route J969R and substituting this waypoint for the Powder Horn, Colo., waypoint in area high route J801R.

In the description of Cabin Creek waypoint the longitude was erroneously listed as "106°38'31"" rather than as "106°34'-31"." Therefore, action is taken herein to change "106°38'31"" to "106°34'31"" in J801R and J969R.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, FR Doc. 72-20964 (37 FR 26003) is amended, as hereinafter set forth.

In Item b. "38°21'36" N./106°38'31" W." is deleted and "38°21'36" N./106°-34'31" W." is substituted therefor.

In Item c. "38°21'36"/106°38'31"" is deleted and "38°21'36"/106°34'31"" is substituted therefor.

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

Issued in Washington, D.C. on, January 10, 1973.

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

[FR Doc.73-948 Filed 1-16-73;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2327]

PART 13—PROHIBITED TRADE PRACTICES

Glen Head Mills of Georgia, Inc., et al.

Correction

In FR Doc. 73-232, appearing at page 968, in the issue of Monday, January 8, 1973, in the second line of the authority citation, change "88 Stat. 719", to read "38 Stat. 719".

[Docket No. C-2329]

PART 13—PROHIBITED TRADE PRACTICES

William Freihofer Baking Co., Inc.

Correction

In FR Doc. 73-231, appearing at page 971, in the issue of Monday, January 8, 1973, in the sixth line of the first paragraph, change "13.170–74" to read "13.170–64".

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 D—Food Additives Permitted in Food for Human Consumption

CHLORDIMEFORM

Correction

In FR Doc. 73-81, appearing at page 11, in the issue of Wednesday, January 3, 1973, in the third and fourth line of § 121.1249, change the chemical name "(*N*¹ - (4-chloro-*o*-tolyl)-*N*,*N*-dimethylformamidime)", to read "*N*'-(4-chloro-*o*-tolyl)-*N*,*N*-dimethylformamidine)".

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 40—FARM LABOR CONTRACTOR REGISTRATION

Procedural Changes for Filing Applications for Certificates of Registration and Employee Identification Cards

Secretary's Order No. 32–72 of October 16, 1972, transferred the responsibilities for determining the eligibility of applicants for certificates of registration and employee identification cards and issuance thereof and for the enforcement programs under the Farm Labor Contractor Registration Act of 1963 (Public Law 88–582) from the Assistant Secretary for Manpower to the Assistant Secretary for Employment Standards and Secretary's Order No. 33–72 of October 16, 1972, redelegated these responsibilities to the Deputy Assistant Secretary/Wage-Hour Administrator.

The revisions in this part reflect the changes in titles of offices and officials who will process the application for a certificate of registration and employee identification card and will administer the substantive provisions of the Act.

In addition, pursuant to a notice (37 FR 16787, Aug. 19, 1972) which changed the title hearing examiners as used in Subpart B—Appointment, Pay and Removal of Hearing Examiners of Part 930 of Title 5 to Administrative Law Judge, such changes are sought to be incorporated in Part 40.

Notice of proposed rule making is unnecessary in this instance since the revisions involve changes in rules of Department organization and procedures. A delay in the effective date is not necessary because the changes in the Department's organization and procedures made by the amendments are now in effect. The public is not prejudiced since the material submitted pursuant to the old procedure will be placed in the proper channels by the Department to the mutual benefit of the public and the Department.

Part 40 of Title 29 is hereby amended as follows:

1. Paragraphs (g), (i), and (j) of § 40.2 are amended to read as follows:

§ 40.2 Definitions.

* * * * *

(g) The "Regional Administrator" is the Administrative officer in charge of a regional office of the Employment Standards Administration, U.S. Department of Labor.

* * * * *

(i) The "Administrator" means the Deputy Assistant Secretary/Wage-Hour Administrator of the United States Department of Labor or his authorized representative.

(j)(1) The "Administrative Law Judge" means a person appointed as provided in 5 U.S.C. 3105 and Subpart B of Part 930 of Title 5 of the Code of Federal Regulations (see 37 FR 16787) and qualified to preside at hearings under 5 U.S.C. 557.

(2) The "Chief Administrative Law Judge" means the Chief Administrative Law Judge, U.S. Department of Labor, Washington, D.C. 20210.

* * * * *

2. Paragraphs (f), (g), and (h) of § 40.4 are amended to read as follows:

§ 40.4 Application for Certificate of Registration.

* * * * *

(f) Before any person may transport migrant workers within the meaning of the Act, he shall submit evidence satisfactory to the Regional Administrator that he is in compliance with the rules and regulations promulgated by the Bureau of Motor Carrier Safety, Federal Highway Administration of the U.S. Department of Transportation that are applicable to his activities and operations in interstate commerce.

(g) The holder of a valid Certificate of Registration may request the renewal of his Certificate of Registration by executing and filing with a local office of the Employment Service of the various States or any office designated by the Governor of a State pursuant to § 40.4 the following: (1) An application which shall set forth the information required thereon; (2) proof of insurance coverage as required in paragraph (c)(1) of this section or proof of financial responsibility as required in paragraph (c)(2) of this section; (3) upon request, a completed Form FD–258 Fingerprint Card; and (4) upon request, evidence of compliance with applicable rules and regulations promulgated by the Bureau of Motor Carrier Safety, Federal Highway Administration of the U.S. Department of Transportation.

(h) If a Certificate of Registration is lost or destroyed, a duplicate Certificate of Registration may be obtained by submission to any Regional office of the Employment Standards Administration of a written statement explaining its loss or destruction, indicating where the original application was filed, and requesting that a duplicate be issued.

(31 FR 14773, Nov. 22, 1966, as amended at 32 FR 10649, July 20, 1972; 35 FR 532, Jan. 1970, and 38 FR 1636, Jan. 17, 1973)

3. Paragraphs (b) and (c) of § 40.6 are hereby amended to read as follows:

§ 40.6 Farm Labor Contractor Employee Identification Cards, applications.

* * * * *

(b) An application for a Farm Labor Contractor Employee Identification Card shall be acknowledged by the Regional Administrator. Until a determination is made upon the application, such acknowledgement shall authorize the applicant to engage in any of the covered activities of a farm labor contractor, as defined in the Act, in behalf of any holder of a valid Certificate of Registration. While engaging in such activities, the employee must have in his possession either the letter of acknowledgement, which shall not be effective for more than 30 days, or a Farm Labor Contractor Employee Identification Card where such has been issued. Such employee shall not be engaged as a driver of a bus or truck for transportation of migrant workers in connection with the business activities, or operations of a farm labor contractor subject to the Act, unless he shall comply with rules and regulations promulgated by the Bureau of Motor Carrier Safety, Federal Highway Administration of the U.S. Department of Transportation, that are applicable to his activities and operations in interstate commerce.

(c) If a Farm Labor Contractor Employee Identification Card is lost or destroyed, a duplicate Farm Labor Contractor Employee Identification Card may be obtained by submitting to the Office of the Regional Administrator of the Employment Standards Administration, a written statement explaining its loss or destruction, indicating where the original application was filed, and requesting that a duplicate be issued.

* * * * *

4. Subparagraph (8) of § 40.10(c) is hereby amended to read as follows:

§ 40.10 Terms of Certificates of Registration, other conditions and obligations.

* * * * *

(c) * * *

(8) Has failed to comply with rules and regulations promulgated by the Bureau of Motor Carrier Safety, Federal Highway Administration of the U.S. Department of Transportation that are applicable to his activities and operations in interstate commerce.

* * * * *

5. Paragraph (a) of § 40.11 is hereby amended to read as follows:

§ 40.11 Cancellation of insurance, review of financial responsibility, change of ownership.

(a) Any insurance policy or liability bond required by the Act or this part shall provide that it shall not be cancelled, rescinded, or suspended, nor become void for any reason whatsoever during such period in which the insurance or liability bond is required by the Act to be effective, except by the expiration of the term for which it is written, or until the company or the named insured, in the case of an insurance policy, or the "surety" or the "principal", in the case of a liability bond, shall have first given thirty (30) days' notice in writing by registered mail to the Office of Administrator of Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210 said thirty (30) days' notice to commence to run from the date notice is actually received.

* * * * *

(31 FR 14775, Nov. 22, 1966 as amended at 35 FR 532, Jan. 15, 1970 and 38 FR 1636, Jan. 17, 1973)

6. Paragraph (b) of § 40.16 is hereby amended to read as follows:

§ 40.16 Notice of proposed denial of an application for renewal of a Certificate of Registration or a Farm Labor Contractor Identification Card or suspension or revocation thereof.

* * * * *

(b) Apprise the applicant or holder of his right to a hearing on the proposed action and that such a hearing will be held upon his request, provided that his request is made in writing no later than twenty (20) days after the service of the notice, and mailed to the Office of the Administrator of Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210; and

* * * * *

7. Pursuant to changes effected in Title V, Part 930 as reported in 37 FR 16787, August 19, 1972, wherever the term Hearing Examiner appears in this Part 40 the term shall be changed to Administrative Law Judge and wherever the term Chief Hearing Examiner appears the term shall be changed to Chief Administrative Law Judge.

Signed at Washington, D.C., this 11th day of January 1973.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

[FR Doc.73-915 Filed 1-16-73;8:45 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 128—TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Subpart B—Description of Forms Prescribed Under This Part

REVISION OF FOREIGN EXCHANGE FORM S-2

The Department of the Treasury finds it necessary to amend the reporting requirements contained in 31 CFR Part 128 by revising Foreign Exchange Form S-2 described in 31 CFR 128.19. The revised Foreign Exchange Form S-2 will include, in addition to the existing columns for foreign official purchases and sales of U.S. Government bonds and notes, separate columns for foreign official purchases and sales of debt securities of U.S. Government corporations and agencies and federally sponsored agencies, and debt securities of private corporations and State and local governments. The objective of the revision is to improve the collection of statistics pertaining to the U.S. balance of payments.

The Department further finds that notice and public procedure under the provisions of 5 U.S.C. 553 are not necessary in this case since the amendment pertains only to rules of agency procedure and practice and since each reporting institution affected by the amendment will be notified individually.

Accordingly, Subpart B, Part 128, Chapter I of Title 31 of the Code of Federal Regulations is amended by revising § 128.19 to read:

§ 128.19 Foreign Exchange Form S-2: Purchases and sales of "long-term" domestic debt securities by "foreign official institutions."

On this form bankers and banking institutions, brokers and dealers in the United States are required to report monthly to a Federal Reserve bank purchases and sales of "long-term" domestic debt securities by "foreign official institutions."

(Sec. 5, 40 Stat. 415, as amended, sec. 8, 59 Stat. 515; 50 U.S.C. App. 5, 22 U.S.C. 286f, E.O. 6560, Jan. 15, 1934, E.O. 10033, 14 FR 561, 3 CFR, 1949-53 Comp.)

Effective date. This amendment shall become effective on January 17, 1973.

Dated: January 11, 1973.

[SEAL] JOHN M. HENNESSY,
Assistant Secretary for International Affairs.

[FR Doc.73-1026 Filed 1-16-73;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

[ER 1165-2-501]

PART 209—ADMINISTRATIVE PROCEDURE

Guidelines for Assessment of Economic, Social, and Environmental Effects of Contemplated Civil Works Projects

On July 27, 1972, notice was published in the FEDERAL REGISTER (37 FR 15013) of proposed guidelines for use by the Corps of Engineers in the assessment of possible economic, social, and environmental effects of contemplated civil works projects. Notice is hereby given that, after consideration of comments received, the Chief of Engineers has adopted the regulation and guidelines as set forth below. These guidelines comply with section 122 of the River and Harbor and Flood Control Act of 1970 (Public Law 91-611; 84 Stat. 1818). These guidelines became effective September 28, 1972.

§ 209.400 Guidelines for assessment of economic, social, and environmental effects of Civil Works projects.

(a) *Purpose.* This section furnishes guidelines, published September 28, 1972, for the assessment of economic, social, and environmental effects of Civil Works projects. They are designed to ensure that all significant adverse and beneficial effects of Corps of Engineers projects are fully considered in pre- and post-authorization planning. The guidelines have been approved by the Secretary of the Army and comply with the directive of Congress contained in section 122 of the River and Harbor and Flood Control Act of 1970, Public Law 91-611. (See Appendix A to this part.) They supplement and extend the requirements of the National Environmental Policy Act of 1969. (Public Law 91-190).

(b) *Applicability.* The guidelines will be used by all elements of the Corps of Engineers having Civil Works responsibilities.

(c) *References.* (1) Section 122, Public Law 91-611.

(2) National Environmental Policy Act of 1969 (Public Law 91-190).

(d) *Reports covered.* The guidelines specify steps in effect assessment to be taken as part of the planning process in preauthorization investigations. They shall be appropriately adapted by reporting officers, however, to cover effect assessment in planning for projects under continuing authorities, and in postauthorization planning (General Design Memoranda, Phase I). The guidelines will apply to the following reports:

(1) Survey reports now under preparation or in progress, including those that have not been formally acted upon by the Board of Engineers for Rivers and Harbors by December 31, 1972.

(2) Reports being prepared or now being processed on proposed projects under the special continuing authorities available to the Corps of Engineers.

(3) General Design Memoranda—Phase I—Plan Formulation Memoranda for projects authorized in the River and Harbor and Flood Control Act of 1970.

(4) General Design Memoranda—Phase I—Plan Formulation Memoranda being prepared for projects authorized by Congress subsequent to the 1970 Act where the survey report did not cover these effects. This category includes completed survey reports now with Congress as well as survey reports acted upon by the Board of Engineers for Rivers and Harbors prior to December 31, 1972.

(5) Certain Design Memoranda—Phase I—Plan Formulation Memoranda for projects authorized by Congress prior to the River and Harbor and Flood Control Act of 1970. While not required by the Act, guideline procedures will be incorporated into the planning for Phase I reports not funded for completion this fiscal year.

(e) *Action.* Reporting officers will incorporate utilization of these guidelines into all phases of the planning process to insure that:

(1) All significant adverse and beneficial project effects, particularly the adverse effects specified in section 122, are identified and assessed in a systematic way;

(2) The feasibility and cost of eliminating or minimizing adverse effects are given full consideration;

(3) Decisions and project recommendations are made in the best overall public interest based on a balanced consideration of the monetary benefits and costs, the degree that public needs are satisfied, and the extent of other beneficial and adverse effects.

APPENDIX A

GUIDELINES FOR ASSESSMENT OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL EFFECTS OF CIVIL WORKS PROJECTS

SEPTEMBER 28, 1972.

These guidelines are designed to insure that all significant adverse and beneficial effects of proposed projects are fully considered.

Effect (impact) assessment is an integral part of the planning process. It serves as one test of the adequacy of that process and of any positive or negative recommendations resulting therefrom. It is fully compatible with multiobjective planning.

Any alternative developed in the planning process may produce unintended effects which are not responsive to the planning objectives and which are not included in benefit-cost analysis. Such effects are the subject of these guidelines.

Effect assessment is an iterative process which consists of the following steps: identification of anticipated project-caused economic, social, and environmental effects; quantitative and qualitative description and display of the effects; evaluation of the effects, whether adverse or beneficial; and consideration of measures to be taken if a proposed project would cause adverse effects.

The sequence of steps in effect assessment is summarized below:

1. Assemble a profile of existing conditions in the planning area;
2. Extend the profile to make projections of "without project" conditions through the expected life of the project;
3. Make "with project" projections, identifying causative factors and tracing their effects for each alternative;
4. Identify significant effects;
5. Describe and display each significant effect;
6. Evaluate adverse and beneficial effects;
7. Consider project modifications where adverse effects are significant;
8. Seek assessment feedback from other sources;

(Steps 1 through 8 are common to each iteration of the effect assessment process.)

9. Use effect assessment in making recommendations;
10. Prepare a Statement of Findings;
11. Use effect assessment in preparing the Environmental Impact Statement.

This sequence is discussed in more detail in the paragraphs that follow.

EFFECT ASSESSMENT

1. *Assemble a profile.* Portray existing conditions in a profile describing the relevant economic, social, and environmental characteristics of the affected area. Judgment is of critical importance in determining what information will be needed.

A tentative profile should be prepared early in the planning process. Subsequently, as alternatives are considered in greater detail, the profile should be made more precise and focused on identified significant effects.

The boundary areas of the profile will vary depending upon whether the focus of an effect is local or regional; whether the area is defined by political jurisdiction or by hydrologic unit; and by the nature of the project effects.

When completed, the profile should provide a clear understanding of the significant existing conditions, problems, and needs of the affected area and of the rationale for any action, if proposed.

2. *Make projections of "without project" conditions.* Extend the profile of existing conditions to portray future conditions without any project action. Projections should cover the expected life of each alternative considered over a reasonable range of probable future conditions.

Utilize a range of values to compensate in part for the uncertainties of projecting the future.

Projection of existing economic, social, and environmental conditions should yield pertinent information about the conditions, problems, and needs of the affected area in the future and provide a basis or baseline for a comparison of the effects of alternative plans. The projection may suggest issues to be addressed in designing alternative "with project" plans.

3. *Make "with project" projections, identifying causative factors and tracing their effects for each alternative.* Make projections of the "with project" conditions for each alternative being considered, including preconstruction, construction, and operation periods through its expected life.

Identify and list project-related causative factors (see Attachment B) and their likely economic, social, and environmental effects (see Attachment C) concurrently with the formulation of alternative plans.

The causative factors and effect elements for each alternative should be set forth in sufficient detail to ensure that all significant interactive relationships are considered. The interrelatedness of economic, social, and environmental aspects cannot be overlooked and must be considered regardless of the category in which any given effect is placed.

Assessments initially should emphasize breadth rather than depth. Refinements should await later stages of plan formulation.

Effect assessment at any stage should be carried to a degree of detail commensurate with the alternative it addresses.

4. *Identify significant effects.* Examine causative factors and the effects they produce for each alternative. Select those effects which appear significant in view of the conditions, problems and needs of the affected area as projected for the "with" and "without" project conditions.

A "significant" effect is one which would be likely to have a material bearing on the decision-making process.

A determination regarding significance should be made at the earliest stage possible in the assessment process. The determination should be reconsidered at each stage, particularly in the light of public input and reaction.

In the process of formulation, adjustments may be made in the alternative plans that avoid or reduce identified adverse effects. In such cases, only residual adverse effects should be identified for further analysis in the concurrent assessment process.

5. *Describe and display all significant effects.* Describe the effects of the various alternative plans in quantitative terms to the extent possible. Where this cannot be done, effects should at a minimum be set forth in qualitative-descriptive terms.

The effects should be described objectively, and tentatively designated as adverse or beneficial.

Beneficial effects that are identified should be included, to the extent possible, in the benefit evaluation section of the survey report.

Beneficial effects of one kind cannot be considered to cancel out an adverse effect of another kind.

Display the effects of the alternative plans in a form that is easily understood, interpreted, and evaluated, and that clearly shows the differences among them. The display is to be used in consulting with State and Federal agencies and public groups with particular expertise. The display also provides one of the bases for assessing alternative plans, selecting a recommended plan, and assisting in public participation.

6. *Evaluate effects.* Place values on the significant adverse and beneficial effects in monetary terms where applicable, quantitatively where possible, and qualitatively in any event.

The assumptions or criteria on which a judgment is based should be made explicit, since segments of the public may perceive any single effect quite differently.

Significant adverse effects must be sufficiently well displayed to facilitate the weighing of need and type of project modification, if any. No single method for determining relative value is generally accepted. Public policy, community preferences, and the magnitude and degree of severity of effect are factors to be considered.

The aggregate or systems interaction of combined economic, social, and environmental effects should be considered along with evaluation of individual effects. In addition, the possibility of individual effects being part of a larger cumulative process should be investigated.

Effects not significant, not relevant, or that can be adequately incorporated in benefit-cost evaluation should not be accommodated in the effect evaluation.

An evaluation cannot be validated without obtaining the review and reaction of other agencies and the public.

7. *Consider project modifications where adverse effects are significant.* For each significant adverse effect, investigate the possibility of:

a. Eliminating the effect;

b. Mitigating the effect by minimizing or reducing it to an acceptable level of intensity; or by compensating for it by including a counterbalancing positive effect.

The costs of such measures, as well as any costs of reduced project performance, provide further bases for comparing alternatives and for deciding how or whether to modify them or to accept the adverse effects.

If effect assessment has not proceeded in step with the formulation of alternatives, the possibility always exists that an identified adverse effect may be of such magnitude or character that it cannot be accepted in the best overall public interest, or be corrected by project modifications. In such a case, one or more new alternatives must be formulated to avoid an unacceptable adverse consequence. "No action" is always one of the alternatives to be considered.

For each beneficial effect investigate the possibility of:

1. Reflecting it in the benefit-cost analysis of the project formulation process; or
2. Describing and displaying the effect for consideration by the public and in plan selection; or
3. Considering it as an offset for a corresponding adverse effect.

8. *Seek assessment feedback from other sources.* Effect assessment procedures require a variety of information sources and continuous feedback.

Informal exchanges with Federal, State, and private groups and with individuals should be sought at the beginning of any investigation and maintained throughout planning. More formal discussion occurs in the course of initial formulation and late-stage public meetings.

Consultation with a wide range of interests tests the adequacy of identification of effects, validates their designation as beneficial or adverse, and provides commentary on measures considered for project modification.

Response should be solicited to ensure that effects have not been overlooked or that the significance of effects has not been misjudged.

Fully utilize all the public participation procedures of the planning process. For survey report investigations, effects, and possible modifications will be introduced at the initial, formulation, and late-stage public meetings at a level of detail commensurate

with that with which the alternatives are presented.

For continuing authority reports and Phase I General Design Memoranda, effect assessment will be tailored to the public participation requirements of existing regulations.

Steps 1–7 should be taken before each public meeting to complete a formal iteration of the effect assessment process.

9. *Use effect assessment in making recommendations.* More detailed assessment will be applied to the alternatives, including the tentatively selected proposal, by the time they are presented in the late-stage public meeting. At this meeting, formal presentation of the alternatives and measures to overcome adverse effects will be made and the degree of public acceptance gaged.

The reporting officer should recommend the alternative that is in the best overall public interest considering the planning objectives, the benefits and costs, and the significant economic, social, and environmental effects, including costs of treating those that are adverse.

While assessment and appraisal from all sources influence the alternative recommended by the reporting officer, the burden of judgment and defense ultimately rests with him.

10. *Prepare a statement of findings.* Include a summary of the completed effect assessment in the report immediately before the statement of findings.

The statement of findings presents the rationale of the reporting officer for his conclusions and recommendations in accordance with the "best overall public interest."

11. *Use effect assessment in the environmental impact statement.* The requirements of section 122 supplement the requirements of Public Law 91–190 (NEPA). Consequently, the completed effect assessment for environmental effects should be used as input for the environmental impact statement.

ATTACHMENT A

SECTION 122—PUBLIC LAW 91–611

"Not later than July 1, 1972, the Secretary of the Army, acting through the Chief of Engineers, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after submission, promulgate guidelines designed to assure that possible adverse economic, social, and envorinmental effects relating to any proposed project have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for flood control, navigation, and associated purposes, and the cost of eliminating or minimizing such adverse effects and the following:

"1. Air, noise, and water pollution;

"2. Destruction or disruption of man-made and natural resources, esthetic values, community cohesion and the availability of public facilities, and services;

"3. Adverse employment effects and tax and property value losses;

"4. Injurious displacement of people, businesses, and farms; and,

"5. Disruption of desirable community and regional growth.

"Such guidelines shall apply to all projects authorized in this Act, and proposed projects after the issuance of such guidelines."

ATTACHMENT B

SAMPLE CAUSATIVE FACTORS

In order to identify and evaluate the effects of a project, describe aspects of the project in terms of factors likely to produce significant effects. Evaluation of effects should not be carried out in greater detail than the project alternative being considered. The list below is illustrative. It is not to be considered complete or limiting.

INPUT FACTORS

Natural resources
- Water.
- Land.
- Resources products.
  - Gravel.
  - Sand.
  - Coal.
  - Timber.
  - Crushed rock.
- Wildlife and Fish.
- Esthetics.
- Flora (plant life).

Energy resources

Capital

Labor

SYSTEMIC FACTORS

Physical alterations.
- Channelization.
- Excavation.
- Dredging.
- Draining.

Structures
- Dam/lake.
- Levee.
- Jetty.
- Channel.
- Barrier.
- Road and utility relocation.

Institutional
- Acquisition.
- Easements.
- Relocation.

OPERATION AND MAINTENANCE FACTORS

Equipment service

Resource management
- Harvesting.
- Planting.
- Buffer zone maintenance.
- Grazing.
- Fencing.

Maintenance
- Recreational areas.
- Water quality protection.
- Dredging operations.
- Navigation controls.
- Reservoir controls and procedures.

OUTPUT FACTORS

Hydro-power
Flood control
Navigation
Water supply
Recreation
Irrigation
Fish and wildlife
Water quality
Shoreline protection

ATTACHMENT C

SAMPLE PROJECT EFFECTS

All significant effects of project should be identified and assessed. In some cases, a causative factor may result in only one significant effect. In other cases, the significant effects of a causative factor will be numerous and may require consideration in all three effect categories. (Example: A causative factor such as dredging may result in turbidity in the water for a brief period. This should be considered a predominantly environmental effect. Yet, because of the turbid water, a textile factory downstream may have to close down for a few days. This is an economic effect, and should be considered as a result of dredging even though it is a lesser effect than the environmental one. The increased turbidity may also have the effect of reducing water recreation temporarily. This is a social effect of dredging). Judgment must be used as to the limits of tracing out effects. Generally, the degree of detail involved in assessment should be no greater than that of the plan it addresses.

An asterisk denotes items specifically mentioned in section 122. These must be identified and evaluated. If they are considered to be not significant, that should also be noted. Other effects should be identified and evaluated only if they are considered to be significant. The list below is an illustrative one. It is not to be considered complete or limiting.

SOCIAL EFFECTS

- *Noise.
- Population, e.g.
  - Mobility.
  - Density.
  - *Displacement of people.
- *Esthetic values.
- Housing.
- Archeologic remains.
- Historic structures.
- Transportation.
- Education opportunities.
- Leisure opportunities (recreation, active, and passive).
- Cultural opportunities.
- *Community cohesion.
- *(Desirable) community growth.
- Institutional relationships.
- Health.

ECONOMIC EFFECTS:

- National Economic Development.
- Local government finance, e.g.
  - *Tax revenues.
  - *Property values.
- Land use.
- *Public facilities.
- *Public services.
- Local/regional activity, e.g.
  - *(Desirable) regional growth.
  - Relocation.
- Real income distribution.
- *Employment/labor force.
- *Business and industrial activity.
- Agricultural activity.
  - *Displacement of farms.
  - Food supply.
- National defense.

ENVIRONMENTAL EFFECTS:

- *Man-made resources.
- *Natural resources.
- Pollution aspects.
  - *Air.
    - CO.
    - Sulphur oxides.
    - Hydrocarbons.
    - Particulates.
    - Photochemicals.
  - *Water.
    - Pathogenic agents.
    - Nutrients N and P.
    - Pesticides, herbicides, rodenticides.
    - Organic materials.
    - Solids, dissolved, and suspended.
  - Land.
    - Soils.
  - Animal and plant.
    - Birds.
    - Mammals.
    - Amphibians.
    - Fish, sport, and commercial.
    - Shellfish.
    - Insects.
    - Microfauna.
    - Trees, shrubs, and plants.
    - Microflora.
  - Ecosystems.
    - Habitats.
    - Food chains.
    - Productivity.
    - Diversity.
    - Stability.

Physical and Hydrologic aspects.
Erosion.
Erosion and sedimentation effects.
Compaction and subsidence.
Slope stability.
Groundwater regime alteration.
Surface flow effects.
Micrometeorological effects.
Physiologic changes (e.g., wetlands destruction).

[Engineer Reg. 1105-2-105, Dec. 15, 1972] (Public Law 91-190; 83 Stat. 852, Sec. 122, Public Law 91-611; 84 Stat. 1823, sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

E. W. GANNON,
Lieutenant Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.73-938 Filed 1-16-73;8:45 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Inspection and Certification Fees

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products.[1] Such inspection and certification is voluntary and is made available upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

Statement of consideration leading to amendment of regulations. The rising costs of maintaining the inspection service has made it necessary to increase inspection fees. Most of these increased costs are due to adjustments in the salaries of employees as authorized by the Congress.

The regulations were last revised to reflect increased fees on July 23, 1972. Since that time there has been a 5.14 percent salary increase which became effective January 7, 1973. Contracts with processors, in which one or more inspectors are assigned to a plant, will be amended individually to recover increased costs.

Accordingly, §§ 52.42, 52.47, 52.49, and 52.50, schedule of fees and charges for micro, chemical, and certain other special analyses, are being revised to recover increased costs for such services as sampling, checkloading, condition of container examination, analytical and other grading services.

[1] Among such other processed food products are the following: Honey, molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), except from grain; tea; cocoa; coffee; spices; condiments.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), the following sections dealing with Fees and Charges of the subpart are hereby amended to read as follows:

§ 52.42 Schedule of fees.

Unless otherwise provided in a written agreement between the applicant and the Administrator, the fee for any inspection service performed under the regulations in this part, including analyses specified in § 52.47, shall be at the rate of $12 per hour.

§ 52.47 Charges for micro, chemical, and certain other special analyses.

(a) The applicable times listed in this section shall be used for computation of charges for micro, chemical, and certain other special analyses when any of these analyses are made at the request of the applicant or because of additional specification requirements and are not performed in connection with the normal inspection to determine the quality or condition of the product.

Type of analysis	Hours for first analysis	Hours for each additional analysis
Alcohol insoluble solids	1	½
Alcohol (distillation and specific gravity)	2	1½
Ascorbic acid (vitamin C)	1	½
Ash, acid insoluble	1½	1
Ash, total (carbonated or sulfated)	1	½
Ash, water soluble or water insoluble	1½	1
Ash, NaCl Free (approximate method—total ash less NaCl)	1½	1
Ash, NaCl Free (P_2O_5X2)	2½	1½
Brix reading (double dilution)	1	½
Brix reading (refractometric or spindle)	¼	¼
Catalase test	½	½
Color determination of extracted honey	½	¼
Color determination of sugarcane molasses or sugarcane sirup	½	¼
Diastase test for honey (AOAC method)	2	1
Ether Extract (crude fat)	1½	1
Fat (acid hydrolysis)	1½	1
Fiber test (green and wax beans)	1	½
Fly egg and maggot count	½	¼
Free fatty acids	½	¼
Iodine number	1½	1
Moisture (drying method)	½	½
Mold Count:		
Direct Smear	½	½
Centrifuge or dilution	¼	½
Pulping	1	¼
Nitrogen or crude protein	1½	1
Nonvolatile ether extract	1½	1
Oil volatile	1	1
Phosphorous pentoxide (P_2O_5)	2½	1½
Potash (K_2O)	2½	1½
Peroxidase test (frozen vegetables)	½	½
Recoverable oil (citrus juices)	1	½
Reducing sugars	2	1
Salt (NaCl—direct titration)	½	¼
Soluble solids (refractometric method)	½	¼
Sucrose (chemical methods)	2½	1½
Sucrose (direct polarization)	1	½
Starch or carbohydrates (direct hydrolysis)	2½	1½
Sulphur dioxide (direct titration)	1	½
Sulphur dioxide (distillation method)	1½	1
Sodium	1½	1
Total acidity (direct titration)	½	¼
Total solids (drying method)	½	½
Tough string test (green and wax beans)	½	½
Vanillin (colorimetric)	1	½
Volatile and nonvolatile ether extract	1½	1
Water-insoluble-inorganic-residue	1	½
Water insoluble solids	1½	1
Worm larvae and insect fragment count	1	½

(b) The following charges shall be made for certain other special analyses whether or not made in connection with an inspection to determine quality and condition of the product: Type of analyses:

Aflatoxin in peanuts and peanut products (thin layer, chromatography methods)	$15

§ 52.49 Charges for copies of score sheets.

If the applicant for inspection service requests one or more copies of a score sheet referable to the processed product covered thereby, he may obtain such copies from the inspector in charge of the office of inspection serving the area where the service was preformed at a charge of one-half hour per copy: *Provided,* That no charge shall be made for one copy if requested in connection with the request for inspection.

§ 52.50 Charges for additional copies of inspection certificates.

Charges for additional copies of inspection certificates issued in accordance with § 52.21 may be supplied to any interested party at a charge for such copies at the rate of one-half hour for each seven (7), or fewer, copies.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than February 4, 1973 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946, provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered, (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments, and (3) additional time is not required by users of the inspection service to comply with this amendment.

(Secs, 203, 205, 60 Stat. 1087, as amended, 1090, as amended, 7 U.S.C. 1622, 1624)

Dated to become effective at 12:01 a.m., February 4, 1973.

Dated: January 11, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-920 Filed 1-16-73;8:45 am]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Avocado Regulation 14, Amdt. 3]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

This amendment to Avocado Regulation 14 revises the maturity requirements for the handling of the Brooks Late variety of avocados, effective during the period January 18 through February 15, 1973, so as to prevent the mar-

keting of smaller immature avocados of this variety. The amended regulation establishes minimum weights for the handling of Brooks Late avocados, during this period, which are the minimum weights necessary for the avocados to ripen properly. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 915.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida avocados are currently regulated pursuant to Avocado Regulation 14, as amended, (37 FR 11465; 37 FR 18899; 37 FR 20315) and, unless sooner modified or terminated, will continue to be so regulated until February 12, 1973. The recommendation and supporting information for amendment during the period specified herein were promptly submitted to the Department after an open meeting of the Avocado Administrative Committee on January 10, 1973; such meeting was held to consider recommendation for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommended amendment and information upon which the amendment is based were received by the Department on January 10, 1973; the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of avocados; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective during the period and in the manner hereinafter set forth so as to provide for the appropriate regulation of the handling of such avocados; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

The need for the amendment to Avocado Regulation 14 stems from recent maturity studies by the committee of the Brooks Late variety of avocados which indicate that such variety of avocados is maturing later than the dates such avocados are permitted to be handled pursuant to the current applicable provisions of such regulation. Therefore, the committee unanimously recommended amendment of the aforesaid regulation so as to prevent the handling of immature avocados of the Brooks Late variety.

Order. The provisions of paragraph (a)(2) of § 915.314 (Avocado Regulation 14; 37 FR 11465; 37 FR 18899; 37 FR 20315) are hereby amended by adding in Table I, after the Schmidt variety, dates and minimum weights applicable to the Brooks Late variety of avocados, so that after such addition the portion of Table I relating to such variety reads as follows:

§ 915.314 Avocado Regulation 14.

(a) Order:

* * * * *

(2) * * *

Variety	Date	Minimum weight or diameter (ounces)	Date	Minimum weight or diameter (ounces)	Date	Minimum weight or diameter (ounces)	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Brooks Late	1-18-73	12	2-1-73	10	2-15-73		

* * * * *

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

Dated, January 12, 1973, to become effective January 18, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1077 Filed 1-16-73;8:45 am]

[971.313, Amdt. 2]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Shipments

This amendment to the Limitation of Shipments regulation relieves through January 28, 1973, the prohibition on Sunday packaging of South Texas lettuce. Inclement weather has impeded the harvesting and packaging of lettuce in the Lower Rio Grande Valley and these three additional packaging days will reduce losses of maturing lettuce.

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparations on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves the prohibition on Sunday packaging through January 28, 1973.

Regulation, as amended. In § 971.313 (37 FR 24114 and 38 FR 1116) the last sentence in the introductory paragraph is hereby further amended to read in part as follows:

§ 971.313 Limitation of shipments.

* * * Further, no person may package lettuce during the period ending March 31, 1973, on any Sunday, except January 14, 21, and 28, 1973.

* * * * *

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

Issued January 12, 1973 to become effective upon issuance.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-1029 Filed 1-16-73;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 12, 132]

MERCHANDISE SUBJECT TO QUOTAS

Notice of Proposed Rule Making

Notice is hereby given that under the authority of Revised Statute 251, as amended, section 624, 46 Stat. 759, 77A Stat. 14, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1202, and 1624, it is proposed to revise the Customs Regulations relating to imported merchandise subject to quota.

This revision is part of the general revision of the Customs Regulations, and replaces the provisions of §§ 12.49, 12.50, and 12.51 with a new Part 132. This part follows a new format, and contains changes or additions in language to clarify the current provisions and to reflect current administrative practice and policy.

The principal changes in the provisions or procedures in proposed Part 132 from those set forth in §§ 12.49, 12.50, and 12.51, are as follows:

1. In Subpart A, relating to the general provisions relating to quotas:

Section 132.1 adds definitions of commonly used terms in one convenient section.

Section 132.2 explains the enactment of quotas, factors in the administration of quotas, and gives notice of the strict compliance with quota terms required of importers.

Section 132.5 sets forth the procedures applicable to the disposition of merchandise imported in excess of quantities admissible under the quota.

2. In Subpart B, relating to the administration of quotas:

Section 132.11 sets forth the rules governing priority and quota status and explains the importance of presentation of an entry in proper form.

Section 132.12 clarifies the regulations having application at the opening of potentially filled quotas. The time statement is simplified by using "12:00 noon e.s.t. in all time zones."

Section 132.14 explains the effect of and limitations on the issuance of permits of delivery and special permits for immediate delivery.

3. In Subpart C, relating to mail importations of absolute quota merchandise:

Current § 12.51(a) of the Customs Regulations, which duplicates the information and procedures currently in §§ 9.3 and 9.4 of the regulations, is omitted.

Current § 12.51(e) of the regulations is omitted as the requirements for entry of mail importations are more completely covered in Part 9 of the Customs Regulations.

Current § 12.51(g) of the regulations is omitted because it is obsolete. The privilege accorded returning residents of importing unaccompanied merchandise under their personal exemptions has been revoked.

Section 132.23 clarifies the procedure on partial release of absolute quota merchandise. The district director will release only whole packages and will return inadmissible packages to the postmaster for reurn to the sender immediately.

There is included as part of the proposed revision a parallel reference table showing the relationship between the proposed provisions and those in 19 CFR Part 12.

Accordingly, it is proposed to amend the Customs Regulations as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

§ 12.49 [Amended]

§§ 12.50 and 12.51 [Deleted]

Part 12 is amended by deleting therefrom the centerheading "Merchandise Subject to Quota Provisions", §§ 12.49, 12.50, and 12.51, and footnote 33 appended to § 12.49.

PART 132—QUOTAS

Chapter I of title 19, Code of Federal Regulations, is amended by adding a new Part 132 entitled "Quotas" to read as follows:

Sec.

132.0 Scope.

Subpart A—General Provisions

132.1 Definitions.
132.2 Enactment and administration of quotas.
132.3 Observation of official hours.
132.4 Quota quantity entry limits.
132.5 Merchandise imported in excess of quota quantities.
132.6 Exception to reduced rates.

Subpart B—Administration of Quotas

132.11 Quota priority and status.
132.12 Procedure on opening of potentially filled quotas.
132.13 Quotas after opening.
132.14 Issuance of permits of delivery and special permits for immediate delivery.
132.15 Withdrawal from warehouse prior to opening of quota.

Subpart C—Mail Importation of Absolute Quota Merchandise

132.21 Regulations applicable.
132.22 When quota is filled.
132.23 Partial release procedure.
132.24 Entry.
132.25 Undeliverable shipment.

AUTHORITY: The provisions of this Part 132 issued under R.S. 251, as amended, section 624, 46 Stat. 759, 77A Stat. 14; 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), and 1624.

§ 132.0 Scope.

This part sets forth rules and procedures applicable to quotas administered by the Bureau of Customs.

Subpart A—General Provisions

§ 132.1 Definitions.

When used in this part, the following terms shall have the meaning indicated:

(a) *Absolute (or quantitative) quotas.* "Absolute (or quantitative) quotas" are those which permit a limited number of units of specified merchandise to be entered or withdrawn for consumption during specified periods. Once the quantity permitted under the quota is filled, no further entries or withdrawals for consumption of merchandise subject to quota are permitted. Some absolute quotas limit the entry or withdrawal of merchandise from particular countries (geographic quotas) while others are global quotas and limit the entry or withdrawal of merchandise not by source but by total quantity.

(b) *Tariff-rate quotas.* "Tariff-rate quotas" permit a specified quantity of merchandise to be entered or withdrawn for consumption at a reduced duty rate during a specified period.

(c) *Official acceptance.* "Official acceptance" is the final acceptance of the entry or withdrawal for consumption after filing the documents in the proper form in accord with §§ 8.4(d) or 8.4(g) of this chapter, and depositing estimated duties with the appropriate Customs officer.

(d) *Presentation.* "Presentation" is the submission of the entry or withdrawal for consumption in proper form, with estimated duties attached, to the appropriate Customs officer.

(e) *Quota-class merchandise.* "Quota-class merchandise" is any imported merchandise subject to limitations under an absolute or a tariff-rate quota.

(f) *Quota priority.* "Quota priority" is the precedence granted to one entry or withdrawal for consumption of quota-class merchandise over other entries or withdrawals of merchandise subject to the same quota.

(g) *Quota status.* "Quota status" is the standing which entitles quota-class merchandise to admission under an absolute quota, or to a reduced rate of duty under a tariff-rate quota, or to any other quota benefit.

§ 132.2 Enactment and administration of quotas.

(a) *Enactment.* Tariff-rate quotas and absolute quotas are established by Presidential proclamations, Executive orders, and legislative enactments. These documents are published in the Customs Bulletin.

(b) *Administration.* Quotas vary by the type of commodity involved, the country of exportation, the period or periods the quota is open and the type of quota. Quotas are divided into two categories: Quotas administered directly by the Bureau of Customs, and quotas administered by other agencies which are enforced by the Bureau of Customs, and which may require special procedures or special documentation in accordance with the regulations and directives of the particular agency involved.

(c) *Strict construction employed.* The terms of an Executive order, Presidential proclamation, or legislative enactment establishing a quota, and the regulations implementing the quota, must be strictly complied with.

§ 132.3 Observation of official hours.

Entries and withdrawals for consumption of quota-class merchandise shall be accepted only during official office hours except as otherwise provided for in §§ 8.4 (b), 8.59(g) of this chapter, and § 132.12.

§ 132.4 Quota quantity entry limits.

At the opening of the quota no importer shall be permitted to present entries or withdrawals for consumption of quota-class merchandise for a quantity in excess of the quantity admissible under the applicable quota.

§ 132.5 Merchandise imported in excess of quota quantities.

(a) *Absolute quota merchandise.* Absolute quota merchandise imported in excess of the quantity admissible under the applicable quota must be disposed of in accordance with paragraph (c) of this section.

(b) *Tariff-rate quota merchandise.* Merchandise imported in excess of the quantity admissible at the reduced quota rate under a tariff-rate quota is permitted entry at the higher duty rate. However, it may be disposed of in accordance with paragraph (c) of this section.

(c) *Disposition of excess merchandise.* Merchandise imported in excess of either an absolute or a tariff-rate quota may be held for the opening of the next quota period by placing it in a foreign-trade zone or by entering it for warehouse, or it may be exported or destroyed under Customs supervision.

§ 132.6 Exception to reduced rates.

Reduced or modified duty rates under tariff-rate quotas established pursuant to section 350 of the Tariff Act of 1930, as amended and extended (19 U.S.C. 1351), are not applicable to products imported directly or indirectly from the countries or areas listed under general headnote 3(e), Tariff Schedules of the United States, as amended (19 U.S.C. 1202).

Subpart B—Administration of Quotas

§ 132.11 Quota priority and status.

(a) *Factors determining quota priority and status—(1) Absolute (quantitative) quotas.* Quota priority and status on absolute quota merchandise are determined as of the time of presentation of the entry or withdrawal for consumption in the proper form.

(2) *Tariff-rate quotas.* The time of official acceptance of an entry or withdrawal for consumption determines quota priority and status of merchandise subject to tariff-rate quotas, except at the opening of the quota period. At the opening of the quota period, the time of presentation of the entry or withdrawal for consumption in proper form determines quota priority and status.

(b) *Entry in proper form and deposit required.* Entries or withdrawals for consumption, for which the documents are not in proper form or for which duties or taxes have not been attached or deposited in proper form, shall not be regarded as entered for purposes of quota priority and shall not acquire quota status. §§ 8.3(a), 8.4(a), (d), and (g) of this chapter.

(c) *Informal entries.* Mail entries or informal entries shall be regarded as presented for purposes of quota priority when all requirements have been met for the preparation of such an entry.

(d) *Premature presentation of entry or withdrawal.* Quota status will not attach to merchandise in a quota perior by reason of the presentation of an entry or withdrawal for consumption at any time prior to the opening of that period.

§ 132.12 Procedure on opening of potentially filled quotas.

(a) *Time for presentation of entries.* When it is anticipated that entries or withdrawals for consumption, or both, covering quantities sufficient to fill a quota will be presented at the opening of the quota period, an entry or withdrawal for consumption shall not be accepted before 12 noon eastern standard time in all time zones.

(b) *Simultaneous presentation.* Special arrangements shall be made so that all entries or withdrawals for consumption of quota merchandise may be presented at the exact moment of the opening of the quota in all the time zones in the Customs territory of the United States. All importers who are present to file entries or withdrawals for consumption when the quota opens shall be given equal opportunity to do so. All entries and withdrawals for consumption presented in the proper form shall be considered to have been presented simultaneously, even though some time may be required for checking purposes.

(c) *Proration of quantities.* The quantities on all entries and withdrawals for consumption submitted simultaneously shall be prorated by the Commissioner of Customs against the quota quantity admissible to determine the percentage to be allocated to each importer under the quota. Merchandise in excess of the quota will be disposed of in accordance with § 132.5

§ 132.13 Quotas after opening.

(a) *Procedure prior to fulfillment.* In order to secure for each importer the rightful quota priority and status for his quota-class merchandise and to close the quota simultaneously at all ports of entry, the Commissioner of Customs may require that authorization prior to the acceptance of an entry or withdrawal be secured or that entry or withdrawal for consumption be made at over-quota rates of duty or that special release of merchandise procedures be followed and that reports be made to the Bureau of Customs as follows:

(1) *Absolute quotas.* The appropriate Customs officer shall note the exact date, hour, and minute of presentation on each entry or withdrawal and shall report the foregoing facts to the Commissioner of Customs and secure his approval prior to the official acceptance of the entry or withdrawal for consumption.

(2) *Tariff-rate quotas.* The appropriate Customs officer shall note the exact date, hour, and minute of official acceptance on each entry and withdrawal for consumption and report the foregoing facts to the Commissioner of Customs.

(b) *Closing of the quota.* Except as provided by § 132.12, at the closing of a quota all entries or withdrawals for consumption which have acquired quota status due to priority of presentation or of official acceptance shall be entitled to quota benefits. All other entries or withdrawals are without quota status and are not entitled to any quota benefits. All the latter shall be disposed of in accordance with § 132.5.

§ 132.14 Issuance of permits of delivery and special permits for immediate delivery.

(a) *Effect of issuance of permits of delivery and special permits for immediate delivery prior to entry.* A permit of delivery, or a special permit for immediate delivery prior to entry, does not accord quota priority or status, nor is it entitled to any consideration in according any quota benefit.

(b) *Permits of delivery.—(1) Absolute quota merchandise.* Permits of delivery on merchandise subject to an absolute quota shall not be issued prior to a determination of quota status.

(2) *Tariff-rate quota merchandise.* Permits of delivery on merchandise subject to a tariff-rate quota shall not be issued prior to a determination of quota status unless estimated duties are deposited at the over-quota rate of duty.

(c) *Entry following special permit for immediate delivery.* If quota-class merchandise is the subject of an application for a special permit for immediate delivery prior to entry, the time of presentation of the entry for consumption shall not precede the time when the importing carrier reaches the limits of the port where entry is to be made. See §§ 8.4(b) and 8.59(g) of this chapter on the time allowed for filing the entry at the close of a quota period.

§ 132.15 Withdrawal from warehouse prior to opening of quota.

Merchandise entered for warehouse for which a withdrawal for consumption has been made in the manner prescribed in § 8.4(g) of this chapter prior to the opening of any quota period, may not be accorded any quota benefit which may

become effective after the time of acceptance of such withdrawal, even though the permit of delivery for the withdrawn merchandise is not delivered to the Customs warehouse officer until after the effective date of the quota benefit.

Subpart C—Mail Importation of Absolute Quota Merchandise

§ 132.21 Regulations applicable.

In addition to the regulations applicable to all mail importations (see Part 9 of this chapter), the regulations in this subpart shall apply to mail importations of absolute quota merchandise.

§ 132.22 When quota is filled.

Any packages containing merchandise subject to an absolute quota which is filled shall be returned to the postmaster for return to the sender immediately as undeliverable mail. The addressee will be notified on Customs Form 3509 or in any other appropriate manner that entry has been denied because the quota is filled.

§ 132.23 Partial release procedure.

(a) *Notification of quota restrictions.* If because of quota restrictions, a mail importation cannot be released, the district director at the port of destination shall notify the addressee on Customs Form 3509 of the procedure required by paragraph (b) of this section, and shall inform the addressee that upon return of the Acknowledgement of Delivery by Postal Service, the packages admissible under the absolute quota will be forwarded to him and the restricted packages will be returned to the sender as inadmissible. The district director may at his discretion hold packages if it appears that the absolute quota will reopen in less than 30 days.

(b) *Acknowledgement of delivery.* An Acknowledgement of Delivery by Postal Service shall be sent to the addressee. He shall be advised that if he desires to secure release of less than the total number of packages of the merchandise, the Acknowledgement of Delivery by Postal Service must be signed by him and returned to the district director. Such Acknowledgement of Delivery by Postal Service shall be in the following form:

ACKNOWLEDGEMENT OF DELIVERY BY POSTAL SERVICE

In consideration of the fact that certain articles in a mail importation consisting of

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(state number) packages mailed to me by

(name of sender)

of

(address) on

(date of mailing), are subject to quota restrictions under which only a portion of such articles may be admitted to entry at one time, and the Postal Service permits no division of the importation before delivery thereof, and since I am desirous of receiving the packages of such importation which are admissible to entry under the quota administered by the United States Customs, I hereby agree and acknowledge that delivery of the package or packages to the United States Customs shall be regarded as delivery by the Postal Service to me.

(Signature of addressee)

(c) *Agreement to less than full delivery.* If, in any case, the sender of a mail package has indicated his agreement to the delivery of less than the entire importation at one time, an Acknowledgement of Delivery by Postal Service need not be secured from the addressee.

(d) *Deposit required.* If a portion of a mail shipment may be released, the district director may require a deposit of an amount sufficient to defray the expenses of repacking merchandise for shipment by mail to the addressee. The shipment shall be under Government frank without new postage.

§ 132.24 Entry.

Unless a formal entry or entry by appraisement is required, a mail entry on Customs Form 3419 shall be issued and forwarded with the package to the postmaster for delivery to the addressee and collection of any duties in the same manner as for any other mail package subject to Customs treatment.

§ 132.25 Undeliverable shipment.

If within a reasonable time, but not to exceed 30 days, the addressee fails to indicate to the district director an intention to receive delivery of the packages or a portion thereof in accordance with the notice on Customs Form 3509 which was sent to him by the district director, the importation shall be treated in the same manner as other undeliverable mail.

Prior to the adoption of the revision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20226, and received not later than March 19, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3 (b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 10, 1973.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 132 to 19 CFR Part 12.)

Proposed Part 132 section	*19 CFR section*
132.0	New.
132.1(a)–(g)	New.
132.2(a)	12.49.
132.2(b)	New.
132.2(c)	New.
132.3	12.50(a) 2d sentence.
132.4	12.50(d) 3d sentence.
132.5(a)–(c)	New.
132.6	12.49.
132.11(a)(1)–(2)	New.
132.11(b)	12.50(a) 1st sentence.
132.11(c)	12.50(b).
132.11(d)	12.50(a) and 3d sentence.
132.12(a)–(b)	12.50(d).
132.12(c)	New.
132.13(a)(1)–(2)	12.50(e).
132.13(b)	New.
132.14(a)–(b)	New.
132.14(c)	12.50(f).
132.15	12.50(c).
132.21	12.51.
132.22	New.
132.23(a)–(b)	12.51(b).
132.23(c)	12.51(c).
132.23(d)	12.51(d) 1st and 2d sentences.
132.24	12.51(d) 3d sentence.
132.25	12.51(f).

[FR Doc.73-1025 Filed 1-16-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-NW-26]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Idaho Falls, Idaho Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received by February 16, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

An extension to the existing 700' Transition Area is necessary in order to provide controlled airspace protection

for aircraft executing a procedure turn northwest of the UCON LOM.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (38 FR 435) the description of the Idaho Falls, Idaho Transition Area is amended as follows:

In line two of the text, delete, "* * * extending from 21.5 miles northeast * * *" and substitute therefor, "* * * extending from 25.5 miles northeast * * *"

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

Issued in Seattle, Wash., on January 9, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73-949 Filed 1-16-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-1; Notice 1]

VEHICLE SEATING REFERENCE

Proposed Motor Vehicle Safety Standard

The NHTSA hereby proposes to issue a new motor vehicle safety standard, "Vehicle Seating Reference", in Part 571 of Title 49, Code of Federal Regulations.

The proposed standard is intended to define an area in which the hip point ("H Point") of a weighted SAE manikin, installed in the driver's seating position, would fall in relation to the manufacturer's seating reference point, a term defined in 49 CFR 571.3, *Definitions*. A procedure for installing the manikin in the motor vehicle and a method for determining the manikin's hip point location and its relation to the seating reference point would be set forth in this standard.

Presently, the seating reference point is used by motor vehicle designers as a basic datum in establishing and designing many dimensions of a motor vehicle's driver compartment. Additionally, the following Federal motor vehicle safety standards utilize the seating reference point: Standard No. 103, "Windshield Defrosting and Defogging Systems", No. 104, "Windshield Wiping and Washing Systems", No. 201, "Occupant Protection in Interior Impact", No. 202, "Head Restraints", No. 207, "Seating Systems", and No. 210, "Seat Belt Assembly Anchorages." It is anticipated that the seating reference point will serve as the basic reference point in future rule making. Accordingly, this point represents a critical link between a motor vehicle's designer and its driver, since it plays such an important role in the establishment of criteria for external visibility, control operability, and crash injury protection.

Essentially, the seating reference point is a point on a drawing board which may not correspond to the actual location of a driver's hip point in a motor vehicle. Variations between the design and the actual location of the driver's hip point are caused by several factors including design error and production variances. Therefore, a definition is needed to delineate an acceptable tolerance between the location of a design hip point on the drawing board and a driver's hip point in the vehicle.

This idea was explored in meetings held by the NHTSA in 1967 during discussions on Federal Motor Vehicle Safety Standard No. 201, "Occupant Protection in Interior Impact." At those meetings it was determined that the seating reference point would be the reference point from which test devices would be articulated, and that further data determining an H Point tolerance magnitude should be developed.

As a result of those meetings, the NHTSA conducted tests to determine the extent to which driver compartments are designed to accommodate known percentages of the driving population. Based on this information, this notice proposes that the relationship between the manufacturer's seating reference point and the H point be objectively determined by using a device which simulates certain seating characteristics of a human driver.

Presently, the proposal uses the three-dimensional manikin of SAE Standard J826a, but it is anticipated that modifications to the device may be proposed as further data is developed.

The tolerance between the locations of the seating reference point and the H point is proposed in the form of a quadrant, to encourage the manufacturers to locate the manikin's H Point, through appropriate seat design, in an area slightly forward and above the seating reference point. Tests conducted by the NHTSA indicate that downward H Point "migration" occurs with use. If the H Point in a new vehicle is already located in an area below the seating reference point, this migration with use will cause the driver's hip to be located significantly below the seating reference point, which is used to determine many safety features in the driver's compartment.

Information and suggestions are solicited as to any changes that may be necessary to extend the proposed specifications to other seating positions.

Proposed effective date: September 1, 1975.

In light of the foregoing, it is proposed that a new motor vehicle safety standard, Vehicle Seating Reference, be added to Part 571 of Title 49, Code of Federal Regulations, as set forth below. Interested persons are invited to submit comments on the proposal. Comments should refer to the docket and notice numbers and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on April 16, 1973, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered. However, the rule making action may proceed at any time after that date, and comments received after the closing date will be treated as suggestions for future rule making. The NHTSA 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.

This notice is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1407) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on January 10, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

§ 571.____ Standard No. ___; Vehicle seating reference.

S1. *Scope.* This standard specifies the area within which the hip point ("H Point") of a weighted SAE manikin must fall in relation to the manufacturer's seating reference point, and establishes a procedure for installing the manikin in the driver's seating position.

S2. *Purpose.* The purpose of this standard is to require the location of a manufacturer's design hip point to conform to the location of a driver's hip point in a motor vehicle, so as to reduce the hazards caused by improperly situated driver control and restraint systems.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S4. *Definition.* "Foot angle" means the angle measured from the rear of a line extended from the knee point center through the ankle point center of the manikin, and a line tangent to the sole and heel of the manikin's foot.

S5. *Requirements.*

S5.1 Each vehicle shall have a seating reference point for the driver's seating position, with its location established by reference to permanent marks or other identifiable permanent points on the vehicle.

S5.2 There shall be sufficient space within the driver's designated seating position to allow a three-dimensional manikin as specified in SAE standard J826a, February 1970 (hereafter referred to as "manikin") to be installed in accordance with the procedures specified in S6.

S5.3 In the side view, the manikin's H point shall fall within the area consisting of the upper forward quadrant of a circle 3 inches in diameter with its center at the driver's seating reference point, lying in a vertical longitudinal plane, as shown in Figure 1, when the manikin is installed according to the specifications of S6. If the driver's seat is designed to be

manually adjusted without tools from the driver's designated seating position, the seat shall meet this requirement at at least one position within its adjustment range.

S6. *Manikin installation procedure.* Install the manikin in the vehicle according to the following procedure.

(a) Place the vehicle on a level surface at unloaded vehicle weight with the tires at the vehicle manufacturer's specified cold tire pressure.

(b) Place the driver's seat in the rearmost and lowest adjustable position. If the seat has an adjustable back, place the seat back in the manufacturer's nominal design riding position. If the seat has independently adjustable bottom pad angles and vertical positioning, place the bottom pad at the lowest angle and elevation.

(c) Place two pieces of 12-inch by 4-inch 20-gauge stainless steel plate on the floor carpet in front of the driver's seat, and arrange both plates so that the manikin's heels will slide on them throughout the remainder of the procedure.

(d) Place muslin cloth over the seat area and seat back directly behind the steering wheel.

(e) Adjust the thigh and leg segments of the manikin to the length of the 95th percentile. Adjust the foot angle of the manikin's feet to 85 degrees.

(f) Attach the right foot and lower leg assembly to the manikin's T-bar. Place the manikin in the driver's seating position and center the assembly laterally on the steering wheel center plane. If the steering wheel has more than one operating position, place the steering wheel in the locked position nearest the middle of its adjustment range. Attach the left foot and lower leg assembly to the manikin's T-bar.

(g) Elevate the leg segment to release friction on the floor, and lower the leg segments until the manikin's heels make contact with the stainless steel plates. No attempt should be made to prevent the manikin's foot from depressing the accelerator and/or brake pedal throughout S6.

(h) Pull the manikin's back and pan assembly away from the seat back, using the T-bar, and tilt the back pan forward. Maintain the rearmost portion of the manikin at approximately 1 inch from the seat back through step (l).

(i) Attach the lower leg and thigh weights.

(j) Adjust the knee separations so that the manikin's right foot is laterally midway between the centers of the accelerator and brake pedal, and the right edge of the left foot is one-half inch outboard of the outermost extremity of the brake pedal, or the clutch pedal if so equipped. Adjust the stainless steel plates as needed.

(k) Place the forward lateral portion of the T-bar parallel to the ground and perpendicular to the vehicle's vertical longitudinal plane to assure that the H point buttons on the seat pan assembly are properly alined.

(l) Repeat the procedure specified in step (g) to release friction on the floor.

(m) Reposition the manikin assembly by sliding the seat pan rearward, gradually applying a force of 50 pounds in the direction of the thigh bar longitudinal centerline, then gradually removing the force.

(n) Move the back pan rearward so that the upper portion of the back pan contacts the seat.

(o) Repeat the procedure specified in step (k).

(p) Move the head probe forward and install the right and left buttock weights. Place the eight torso weights, one by one on alternate sides.

(q) While maintaining the seat pan level in a lateral direction, tilt the back pan forward until the torso weights are over the H point to release any seat back friction. Without changing the position of the manikin, tilt the back pan forward and hold the thigh bar to prevent the manikin from sliding forward. Reposition the back pan and the head probe to their original positions.

(r) Gradually, apply a horizontal force of 5 pounds in a rearward direction to the back pan at the screw located at the base of the graduated scale on the headroom probe with the probe in full down position to vertically reposition the manikin, and gradually remove the force. Repeat once. Level the manikin assembly laterally.

(s) Determine the longitudinal and vertical location of the seating reference point by using the reference points or marks specified in S5.1.

(t) Measure the longitudinal and vertical location of the manikin's H point in relation to the reference points or marks specified in S5.1.

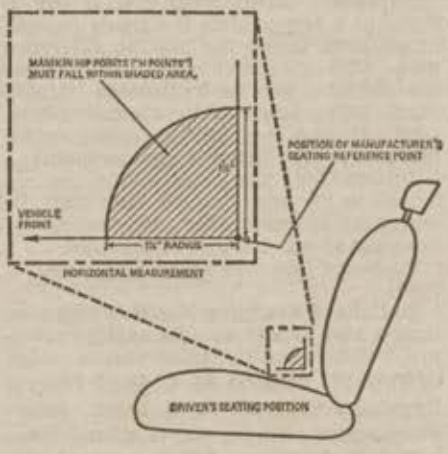

Figure 1. Permissible Tolerance Area for Manikin "H" Point Path.

[FR Doc.73-878 Filed 1-16-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-9930; File No. S7-473]

ACTS OR TRANSACTIONS IN OPTIONS

Proposal Regarding Special Procedures

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule under section 9 (b) and (c) of the Securities Exchange Act of 1934 (the Act) specifying special procedures in connection with the adoption and alteration of rules of a registered national securities exchange concerning acts or transactions in certain options, particularly puts and calls.

The proposed rule arises out of the pending proposed registration of the Chicago Board Options Exchange, Inc. (CBOE) as a national securities exchange and the consideration also being given by certain presently registered exchanges to trading options. Historically, exchanges have not traded options. The Commission is of the opinion that in addition to the novelty of exchange option trading, such trading may involve complex problems and special risks to investors and to the integrity of the marketplace.[1] The Commission therefore believes that, utilizing the broad power granted under sections 9 and 23 of the Act,[2] it should provide itself with a substantial amount of flexibility in carrying out its regulatory responsibilities with respect to option trading on exchanges.

Pursuant to Rule 17a-8 (17 CFR 240.17a-8) under the Act, national securities exchanges are required to file with the Commission reports of proposed rule changes prior to the exchange taking such action. The rule provides, however, that the "failure on the part of an exchange to file * * *" reports of its rule changes "shall not affect the validity, force or effect of any rule of the exchange or of any exchange action or omission to act thereunder." But the unique problems, already noted, that trading in options raises and the broad authority vested in the Commission, pursuant to section 23(a) of the Act, to "classify * * * securities, exchanges,

[1] See House Committee on Interstate and Foreign Commerce, Securities Exchange Bill of 1934, H.R. Rept. No. 1383, 73d Cong., Second sess. (1934) at pp. 10-11, 21; Senate Committee on Banking and Currency, Federal Securities Exchange Act of 1934, S. Rept. No. 792, 73d Cong., Second sess. (1934) at pp. 9, 17; Senate Committee on Banking and Currency, Stock Exchange Practices, S. Rept. No. 1455, 73d Cong., Second sess. (1934) at p. 55; 78 Congressional Record 7922 (1934) (remarks of Representative Mapes).

[2] Ibid.

and other persons or matters within * * *" the jurisdiction of the Commission, makes it more appropriate, in the Commission's view, to propose a specific rule governing the conduct of option trading on national securities exchanges under sections 9 and 23(a) of the Act. For these reasons, it does not appear appropriate to utilize the broad authority vested in the Commission under other sections of the Act, including section 19, over the activities of national securities exchanges, which would also permit the Commission to propose the action herein noticed for public comment.

Proposed Rule 9b–1 (17 CFR 240.9b–1) would require registered national securities exchanges to file with the Commission copies of any changes in or addition to the rules of the exchange concerning acts or transaction in options. The Commission would be empowered to review, and if appropriate disapprove such changes or additions prior to their becoming effective. Proposed Rule 9b–1 would also establish procedures by which the Commission, after notice and opportunity for hearing, may by order require the adoption, amendment, alteration, or rescission of any rule of a national securities exchange concerning acts or transactions in options, but the holding of such a hearing would not prevent adoption of any such order upon expiration of the notice period.

STATUTORY BASIS

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 9(b), 9(c), and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, proposes hereby to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting § 240.9b–1 as set forth below.

§ 240.9b–1 Exchange rules concerning act or transactions in certain options.

It shall be unlawful for any member of a national securities exchange directly or indirectly to effect, by use of any facility of a national securities exchange, any act or transaction in options, unless such exchange complies with the following conditions:

(a) Every registered national securities exchange shall file with the Commission copies of any changes in or additions to the rules of the exchange concerning acts or transactions in options, which shall take effect upon the 30th day after such filing, or upon such earlier date as the Commission may determine, unless the Commission shall by notice to the exchange, setting forth the reasons therefor, disapprove the same, in whole or in part, as being contrary to the public interest or the purposes of the Act.

(b) The Commission may by rule, regulation or order, if necessary or appropriate in the public interest or to effectuate the purposes of the Act, require the adoption, amendment, alteration of, supplement to, or rescission of any rule of a national securities exchange concerning acts or transactions in options. Determinations of the Commission, for purposes of this paragraph, shall be after appropriate notice and opportunity for a hearing, and for submission of views of interested persons, in accordance with the rule making procedures specified in section 553 of title 5, United States Code, but the holding of a hearing shall not prevent adoption of any order upon expiration of the notice period specified in subsection (d) of such that section 553 and shall not be required to be on a record within the meaning of subchapter II of chapter 5 of such title.

(c) For the purposes of this rule, the term "rules" of any exchange shall mean its constitution, articles of incorporation, bylaws, rules, or provisions corresponding thereto whatever the name, and its stated policies.

(d) For the purposes of this rule, the term "acts or transactions in options" shall mean any act designed to induce or effect any sale, purchase, endorsement or guarantee of performance, clearance or settlement of or exercise of any privilege granted by, any put, call, straddle or other option or privilege of buying a security from or selling a security to another without being bound to do so.

All interested persons are invited to submit their views and comments on the proposed rule. Written statements of views and comments should be addressed to Martin Moskowitz, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549, on or before February 15, 1973. Reference should be made to file number S7–473. All such communications will be available for public inspection.

(Secs. 9(b), 9(c), 23(a); 48 Stat. 889, 901; as amended 49 Stat. 1379, 15 U.S.C. 78i(b), 78i(c), 78w(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 9, 1973.

[FR Doc.73–1017 Filed 1–16–73;8:45 am]

[17 CFR Part 240]

[Release No. 34–9926; File S7–471]

SOLICITATION OF PURCHASES ON AN EXCHANGE TO FACILITATE A DISTRIBUTION OF SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend paragraph (c) of Rule 10b–2 (17 CFR 240.10b–2) under the Securities Exchange Act of 1934 (Exchange Act). Subject to certain exceptions,[1] Rule 10b–2 prohibits any person participating or otherwise financially interested in a distribution[2] of securities from compensating any person for soliciting on a national securities exchange the purchase of any security of the same issuer whose securities are the subject of the distribution.

Paragraph (c) of Rule 10b–2 presently states that the provisions of the rule shall not apply to compensation in the form of a salary paid by a broker or dealer to any person regularly employed by him whose ordinary duties include the solicitation or execution of brokerage orders on a national securities exchange, if such salary represents only ordinary compensation paid to such persons in the regular course of employment and is not paid directly or indirectly for the inducement on a national securities exchange of the purchase or sale of any security of the issuer whose securities are being distributed. Thus, paragraph (c) presently prohibits the payment of any compensation for the solicitation on an exchange of any securities of the issuer whose securities are being distributed.

Substantial changes have occurred in the securities markets since the adoption of Rule 10b–2 in 1937[3] and the Commission, giving consideration to the public interest and the protection of investors, proposes to amend paragraph (c) of Rule 10b–2 to reflect such changes. The purpose of Rule 10b–2 is to prohibit extra selling efforts on an exchange during a distribution; however the rule in fact goes beyond its purpose by prohibiting even usual and customary compensation in connection with a distribution on an exchange. As amended, paragraph (c) would permit usual and customary compensation[4] to be paid by a broker or dealer who is participating or otherwise financially interested in a distribution of an issuer's securities to its regular employees for soliciting on a national securities exchange the purchase of any security of the issuer whose securities are the subject of the distribution. As amended, paragraph (c) of the rule will continue to prohibit the practice of stimulating exchange activity in securities which are the subject of a distribution

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[1] Paragraphs (c) and (d) of Rule 10b–2.

[2] This release is directed to the prohibitions imposed by Rule 10b–2 on the solicitation of purchases on an exchange to facilitate a distribution of securities and does not attempt to define a distribution.

[3] In the past decade the nature of securities transactions have changed markedly. During 1960 individual investors accounted for approximately 60 percent of the public dollar value of trading on the New York Stock Exchange, while institutions and nonmember broker-dealers accounted for 40 percent. By 1969 these proportions were reversed, with institutions and nonmember broker-dealers accounting for approximately 62 percent. See Institutional Investor Study Report of the Securities and Exchange Commission, House Doc. No. 92–64, 92d Cong., first sess., Summary Volume, Part 8 at 78.

[4] Such compensation would not exceed the usual or customary compensation payable for regular solicitation or execution of brokerage transactions involving similar quantities of the securities at the same price and not as part of a distribution.

by prohibiting payment of extra or special compensation for the solicitation of the securities being distributed.

The present language of paragraph (c) of Rule 10b–2 may not only predetermine where a distribution will take place but, by its compensation restrictions, may prevent many broker-dealers from participating in the distribution process. The means and methods of providing compensation to salesmen assume a variety of forms; for example, many salesmen receive a salary with an additional bonus while others receive a percentage of the commissions generated by their selling efforts. If a distribution is to take place on an exchange (without resort to the special plans contemplated by paragraph (d) of the rule)[5] participation in the distribution will be limited to brokers and dealers who compensate their salesmen on a salary basis in accordance with the provisions of paragraph (c) of the rule. The effect of paragraph (c) of Rule 10b–2 has been to encourage means of compensation which give the appearance that compensation is "unrelated" to any solicitation such as salary plus a later bonus, thus circumventing the rule's prohibition.

Since the Commission believes that the purpose of Rule 10b–2 is to prohibit excessive selling efforts during a distribution on an exchange, it sees no need to distinguish for this purpose between a salary and the payment of an ordinary and usual commission. Clearly, the payment of such a commission would not provide a salesman with a greater incentive to solicit purchases of the shares being distributed on an exchange as contrasted with the solicitation of a normal trading transaction. The Commission believes that a distinction which relies solely on the method of compensation, without giving any consideration to the magnitude of the amounts paid, is artificial, fails to consider the realities of the market place and brings about an inequitable result which is against the best interests of investors.

Furthermore, the Commission believes that a restriction on the nature of compensation based upon the location of a particular solicitation is inappropriate in today's market environment, especially in view of the growth of third market firms, the improvement and expansion of inter-dealer quotation systems such as NASDAQ, the imminent development of the composite tape[6] and the anticipated central market system.

The effect of paragraph (c) of Rule 10b–2 has been to prohibit a retail firm which compensates its salesmen on a commission basis from utilizing its retail sales network when distributing securities on an exchange other than pursuant to special plans provided for by paragraph (d) of the rule. This may not only deny many public investors the opportunity to participate in distribution stock, which may be sold at a discount from the existing market price, but sellers of distribution securities are also deprived of the additional liquidity such investors could provide. The Commission on many occasions has addressed itself to the need to create a market environment in which all public investors are afforded an opportunity to participate on an equal basis.

Traders of blocks of securities have in the past often relied upon those firms which, because of their expertise and willingness to commit substantial amounts of their own capital, stand ready to assume the risks of positioning large blocks of securities. To the extent that a broker positioning securities determines that a distribution is involved, paragraph (c) of Rule 10b–2 places restraints upon his ability to solicit purchases on an exchange. Such restraints not only may diminish liquidity but could also increase the volatility of the securities involved.

For the reasons set forth above, and recognizing that new problems continually arise which cannot always be foreseen when rules are developed and which may require changes in policy, the Commission proposes to amend paragraph (c) of Rule 10b–2 to permit the payment of usual and ordinary commissions to salesmen of brokers and dealers providing such commissions are not in excess of the brokerage commission which such person would receive in a brokerage transaction involving similar quantities of securities at the same price and not as part of a distribution. It is emphasized that no extra compensation, inducement or sales effort is permissible under the proposed amendment to paragraph (c) of the rule.

The Commission does not believe that permitting the payment of ordinary and usual commissions to salesmen for solicitation in connection with a distribution would compromise the objectives of Rule 10b–2 which is "to eliminate the practice of stimulating exchange activity in securities which are the subject of a distribution."[7] The antimanipulative and antifraud provisions of the Exchange Act will, of course, continue to be applicable. Additionally, broker-dealers are also reminded of the suitability requirements of the NASD[8] and the Securities Exchange Act of 1934.[9]

TEXT OF PROPOSED RULE

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 and particularly sections 10(b) and 23(a) thereof, hereby proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by amending § 240.10b–2(c) as follows:

§ 240.10b–2 Solicitation of purchases on an exchange to facilitate a distribution of securities.

* * * * *

The provisions of this section shall not apply with respect to any compensation paid or offered or agreed to be paid by a broker or dealer to any person regularly employed by him whose ordinary duties include the solicitation or execution of orders for the purchase or sale of securities, if such compensation represents only ordinary compensation either in the form of salary or the usual and customary commissions paid to such person for the discharge by such person of such duties in the regular course of his employment.

* * * * *

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before March 15, 1973. All such communications will be available for public inspection and should refer to File No. S7–471.

(Sec. 10(b), 23(a), 48 Stat. 891, 901; as amended, 49 Stat. 1379, sec. 2; 15 U.S.C. 78j(b), 78w(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 8, 1973.

[FR Doc.73–956 Filed 1–16–73;8:45 am]

[17 CFR Part 240]

[Release No. 34–9931; File S7–474]

SECURITIES UNDERLYING CERTAIN OPTIONS

Proposed Exemption From Registration for Trading on Certain Exchanges

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt an exemptive rule under section 12(a) of the Securities Exchange Act of 1934 (the Act) for securities underlying certain options that are traded on national securities exchanges.

Proposed Rule 12a–6 (17 CFR 240.12a–6) provides an exemption from the registration provisions of section 12(a) of the Act for securities underlying options where the option is itself registered on the national securities exchange in question, the underlying security is registered and listed on another national securities exchange,[1] and the exchange upon which the option is listed limits its activity in the underlying securities to effecting exercises of the options. The proposed rule arises out of the pending proposed registration of the Chicago Board Options Exchange Inc. as a national securities exchange and the

[5] Paragraph (d) of the rule permits the payment of compensation pursuant to a plan filed with the Commission by a national securities exchange and declared effective by the Commission.

[6] Rule 17a–15 (17 CFR 240.17a–5); Securities Exchange Act Release No. 9850, Nov. 8, 1972 and in the FEDERAL REGISTER for Nov. 15, 1972 at 37 FR 24172.

[7] Exchange Act Release No. 34–1330 (Aug. 4, 1937).

[8] Art. III, Sec. 2, NASD Rules of Fair Practice.

[9] Rules 15b10–3 (17 CFR 240.15b10–3) and 15b10–6 (17 CFR 240.15b10–6) under the Securities Exchange Act of 1934.

[1] The Commission now has under active consideration various questions from a regulatory viewpoint as to whether and to what extent options on unlisted securities should be traded on exchanges and/or in the over-the-counter markets.

reported consideration also being given by certain registered exchanges to trading options.

The rule is thus intended to relieve any exchange which lists options of the need to register its underlying securities or to apply for unlisted trading privileges pursuant to section 12(f) of the Act for the underlying securities where it has provided for comparable disclosure with regard to the listed options and their underlying securities and does not seek to establish trading markets in the underlying securities.

STATUTORY BASIS

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 3(a)(12) and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, hereby proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting § 240.12a–6 as follows:

TEXT OF RULE

§ 240.12a–6 Exemption of securities underlying certain options from section 12(a).

(a) When used in this section, the following terms shall have the meanings indicated unless the context otherwise requires:

(1) The term "option" means any put, call, or other option or privilege of buying or selling a security which is the subject of the option from or to another without being bound to do so;

(2) The term "underlying security" means a security which relates to or is the subject of an option.

(b) Any underlying security shall be exempt from the operation of section 12(a) of the Act if all of the following terms and conditions are met:

(1) The related option is duly listed and registered on a national securities exchange;

(2) The only transactions on such exchange with respect to such underlying securities consist of the delivery of and payment for such underlying securities pursuant to the terms of such options relating to the exercise thereof; and

(3) Such underlying security is duly listed and registered on another securities exchange.

All interested persons are invited to submit their views and comments on the proposed rule. Written statements of views and comments should be addressed to Martin Moskowitz, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549, on or before February 15, 1973. Reference should be made to file number S7–474. All such communications will be available for public inspection.

(Secs. 3(a)(12), 23(a); 48 Stat. 882, 901; as amended 84 Stat. 718, 84 Stat. 1435, 84 Stat. 1499, 49 Stat. 1379; 15 U.S.C. 178(c), 78w(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 9, 1973.

[FR Doc.73–1018 Filed 1–16–73;8:45 am]

[17 CFR Part 275]

[Releases Nos. IA–353, IC–7565; File No. S7–462]

INVESTMENT ADVISER REGULATIONS

Recordkeeping Requirements and Exemption From Definition of "Investment Adviser"

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of new Rule 202–1 (17 CFR 275.202–1), the amendment of paragraph (12) of Rule 204–2(a) (17 CFR 275.204–2(a)) and the adoption of new paragraphs (13) and (14) of Rule 204–2(a) (15 U.S.C. 80b–1 et seq.) under the Investment Advisers Act of 1940, as amended (Public Law 91–547, 84 Stat. 1430) (Advisers Act).

PROPOSED RULE 202–1

The Investment Company Amendments Act of 1970 (1970 Act) contained an amendment to the Advisers Act which, effective December 14, 1971, eliminated the exemption from registration set forth in section 203(b)(2) of the Advisers Act which existed for investment advisers to investment companies. Thus advisers to investment companies were required to register under the Advisers Act by December 14, 1971, and became subject to all provisions of that statute.[1]

It has come to the Commission's attention that some investment advisers registered under the Advisers Act are or may be subsidiaries or controlled companies of other companies. Furthermore, in some of these situations the controlling person or an affiliated person of the controlling person of the registered adviser may be the entity which in fact is providing the services essential to the rendering of investment advice by the company registered as the purported investment adviser. For example, the controlling person or an affiliated person thereof, may provide directors, officers, research services, advisory personnel, clerical personnel, and supporting services to the subsidiary or controlled company, and the entities may also have common officers, directors, and employees. Furthermore, the registered investment adviser may have only nominal capitalization to carry on its investment advisory business.

[1] The Commission has extended the time for filing applications by insurance companies for registration under the Advisers Act until further order of the Commission. See Investment Advisers Act Release No. 308.

Whether a registered investment adviser is merely a conduit for advisory services provided by its controlling person or an affiliate of such controlling person,[2] depends in each case upon the substance of the arrangement.

Section 202(a)(11) of the Advisers Act (15 U.S.C. 80b–2(a)(11)) states among other things, that:

> "Investment adviser" means any person who, for compensation, engages in the business of advising others, whether directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities, * * *

Section 208(d) of the Advisers Act (15 U.S.C. 80b–8(d)) provides:

> It shall be unlawful for any person indirectly, or through or by any other person, to do any act or thing which it would be unlawful for such person to do directly under the provisions of this title or any rule or regulation thereunder.

Where all or substantially all of the duties and functions related to the rendering of investment advice undertaken to be performed by a registered investment adviser are in fact performed by the person controlling the registered adviser or an affiliate of such controlling person, or key advisory personnel of the registered investment adviser are also personnel of the controlling person or affiliate of such controlling person, a serious question is raised whether such persons are engaged in the business of advising others within the meaning of section 202(a)(11) of the Advisers Act, and should be required to register under section 203 of that Act (15 U.S.C. 80b–3). On the other hand, there are often valid business reasons which cause a company

[2] Pursuant to section 202(a)(12) of the Advisers Act (15 U.S.C. 80b–2(a)(12)) the term "affiliated person" has the same meaning as in the Investment Company Act of 1940, as amended. The terms "affiliated company" and "affiliated person" are defined in sections 2(a)(2) and 2(a)(3) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a–2(a)(2), 80a–2(a)(3)), as follows:

"SEC. 2(a)(2) 'Affiliated company' means a company which is an affiliated person.

"SEC. 2(a)(3) 'Affiliated person' of another person means (A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with such other person; (D) any officer, director, partner, copartner, or employee of such other person; (E) if such other person is an investment company, any investment adviser thereof or any member of an advisory board thereof; and (F) if such other person is an unincorporated investment company not having a board of directors, the depositor thereof."

not to register as an investment adviser but rather to form a separate corporate or other entity to act as an investment adviser and to be registered as such, especially where the controlling company is engaged in a nonadvisory business or businesses. This is a common practice, for example, in the insurance industry, where separate subsidiaries are organized to render advisory services to registered investment companies or variable annuity separate accounts.

Proposed Rule 202–1 sets forth the conditions under which the Commission would consider the subsidiary or controlled company formed to provide advisory services to be an autonomous entity. Where the proposed conditions are met, so that the registered adviser may be considered autonomous, proposed Rule 202–1 provides an exemption from registration under the Advisers Act for the company controlling the registered adviser and affiliates of such a controlling company. Briefly, the five conditions set forth in the proposed rule require (i) a majority of the directors of the registered adviser to be independent (as specified in the proposed rule) of the person controlling the adviser and of any affiliate of such controlling person; (ii) the registered adviser to have, in the opinion of a majority of such independent directors, adequate capital independent of the controlling person or any affiliate to carry on its advisory business; (iii) the officers of the registered adviser, except administrative officers, to be independent of the controlling person or an affiliate; (iv) the advisory representatives employed by the registered adviser to be independent of the controlling person or an affiliate, and make recommendations independent from such persons, and (v) research information conveyed to the registered adviser to meet certain criteria. The rule would also adopt the definition of control set forth in section 2(a)(9) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(9)).

The question whether registration of the person controlling the registered adviser, or an affiliate thereof, may be required under the Advisers Act arises regardless of whether the controlling person or affiliate of such controlling person of the registered adviser derives a profit from the services and resources provided to the registered investment adviser.[1]

The Commission will consider all of the facts and circumstances in its review of the substance of these arrangements. The Commission proposes, however, to exempt by rule from the definition of "Investment adviser" in section 202(a)(11) of the Advisers Act a controlling person of the registered investment adviser or an affiliate of such controlling person where the criteria specified in the proposed rule are met.

In situations where the facts do not meet the criteria set forth in proposed Rule 202–1, the affiliated person of the registered adviser, or an affiliate of such affiliate, will be deemed an investment adviser required to register under the Advisers Act, absent an exemptive order of the Commission.

The Commission has authority to adopt proposed Rule 202–1 pursuant to the provisions of sections 202 and 206A and 211 of the Advisers Act. Amendment to paragraph (12) of Rule 204–2(a).

Rule 204–2(a) sets forth various recordkeeping requirements for investment advisers registered under the Advisers Act. Among other provisions in the rule is the requirement set forth in paragraph (12) thereof which calls for:

> A record of every transaction in a security in which the investment adviser or any advisory representative * * * of such investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except (i) transactions effected in any account in which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and (ii) transactions in securities which are direct obligations of the United States.

The term "advisory representative" is defined in paragraph (12) of the rule to mean:

> * * * any partner, officer, or director of the investment adviser; any employee who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendation shall be made; any employee who, in connection with his duties, obtains any information concerning which securities are being recommended; and any person in a control relationship to the investment adviser who obtains information concerning securities recommendations being made by such investment adviser other than as a regular client of such investment adviser.

It has come to the Commission's attention that some investment advisers registered under the Advisers Act are or may be subsidiaries or controlled companies of other companies. In that case, paragraph (12) of the rule clearly requires the registered adviser to keep records of securities transactions of the person controlling the registered adviser. However, it does not appear that those records now would be required in the case of securities transactions of certain officers or employees of the controlling person, or an affiliate thereof, who may not be deemed to be in "a control relationship to the investment adviser," but who may receive information concerning investment recommendations made by the registered adviser. The Commission believes that the potential for abuse by persons in a control relationship with the investment adviser also exists in the case of affiliated persons of the person in a control relationship with the registered adviser.

Accordingly, the Commission proposes to amend paragraph (12) of the rule to provide that the term "advisory representative" includes:

> * * * any of the following persons who obtain information concerning securities recommendations being made by such investment adviser other than as a regular client of such investment adviser: (i) Any person in a control relationship to the investment adviser, (ii) any affiliated person of such controlling person, and (iii) any affiliated person of such affiliated person.

This language would replace the clause in the last sentence of the present paragraph following "recommended; and".

Proposed New Paragraph (13) Under Rule 204–2(a)

Under certain circumstances, such as in the case of life insurance companies registered as investment advisers, certain persons whose transactions are now required to be recorded under paragraph (12) of the rule have no connection with the rendering of investment advisory services by the registered adviser. This would be the case, for example, for officers of insurance companies who have duties as actuaries, or are involved solely in administrative activities in connection with the insurance business of an insurance company registered as an investment adviser.

Accordingly, the Commission proposes to adopt a new paragraph (13) under Rule 204–2(a) which would apply only to registered investment advisers who are primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients.

The effect of new paragraph (13) would be to specify the records to be kept by such registered investment advisers. As in the case of Rule 204–2(a)(12), those records would include every transaction in a security (except those specifically exempted) in which any partner, officer, director, or employee of that adviser has any direct or indirect beneficial ownership. The rule, however, would limit the recordkeeping requirements in the case of partners, officers, and directors, as well as employees, to those persons who have some relationship to the investment advisory business performed by the registered investment adviser or who obtains knowledge of investment recommendations made.

Thus, the standard now applicable only to employees whose transactions must be recorded by the investment adviser in paragraph (12) of Rule 204–2(a) will be applied in proposed new paragraph (13) to partners, officers and directors, as well as employees, of registered investment advisers primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients.

Adoption of New Paragraph (14) Under Rule 204–2(a)

In order to more clearly define the concept of control in paragraphs (12) and (13) of Rule 204–2(a), the Commission proposes to adopt the definition of control set forth in the Investment Company Act of 1940. The text of the pro-

[1] It should be noted, however, that if an investment adviser performs advisory services for a registered investment company at cost, an exemption is available from the definition of "investment adviser" set forth in sec. 2(a)(20) of the Investment Company Act as amended (15 U.S.C. 80a–2(a)(20)). In such case, however, no profits may be derived from the advisory business either by the registered adviser or any affiliated person of the adviser.

posed paragraph (14) under Rule 204–2(a) is as follows:

(14) For purposes of paragraphs (12) and (13) of this rule, control shall have the same meaning as that set forth in section 2(a)(9) of the Investment Company Act of 1940, as amended.

COMMISSION ACTION

The Securities and Exchange Commission proposes to amend Part 275 of Chapter II of Title 17 of the Code of Federal Regulations (1) by adding a new § 275.202–1 thereunder (2) by amending subparagraph (12) of § 275.204–2(a) and by adding thereunder new subparagraphs (13) and (14) as indicated below:

I. As proposed, § 275.202–1 would read as follows:

§ 275.202–1 Exemption from definition of investment adviser for persons controlling a registered investment adviser and persons affiliated with such controlling person.

A person controlling a registered investment adviser or a person affiliated with such controlling person, shall not be deemed to be an investment adviser: *Provided*, That:

(a) A majority of the directors of the registered investment adviser are not directors, officers, or employees of a person controlling the registered investment adviser, or of an affiliated person of such controlling person, and all compensation paid to such directors is paid by the registered investment adviser;

(b) (1) The registered investment adviser has, in the opinion of a majority of the directors meeting the criteria set forth in paragraph (a) of this section, adequate capital independent of controlling persons and affiliates of such controlling persons to provide the registrant with financial responsibility for the conduct of its advisory business, including provision for the means and facilities to carry out its advisory responsibilities for all of its clients, as well as provision for meeting all of its liabilities; and

(2) Any liabilities owed to a controlling person, or an affiliate of such controlling person, are subordinate to the claims of others against the registered investment adviser;

(c) Except for those officers of the registered investment adviser who perform for it administrative functions exclusively, the officers of the registered investment adviser are not directors, officers or employees of a person controlling the registered investment adviser, or of an affiliated person of such controlling person;

(d) The advisory representatives employed by the registered investment adviser are not directors, officers or employees of a person controlling such adviser, or of an affiliated person of such controlling person, and they make investment recommendations and decisions without consultation with directors, officers and employees of such controlling person or of an affiliated person of such controlling person;

(e) No person controlling the registered investment adviser, nor any affiliated person of such controlling person, provides the registered investment adviser with advisory services other than statistical and other factual information, advice regarding economic factors and trends, or advice as to occasional transactions in specific securities, and any such person does not generally furnish advice or make recommendations regarding the purchase or sale of securities; and

(f) For purposes of this § 275.202–1 control shall have the same meaning as that set forth in section 2(a)(9) of the Investment Company Act of 1940, as amended.

II. Section 275.204(a) is proposed to be amended by deleting in subparagraph (12)(i) after the words "recommended; and" the clause:

* * * and any person in a control relationship to the investment adviser who obtains information concerning securities recommendations being made by such investment adviser other than as a regular client of such investment adviser.

and, by adding in lieu thereof a new clause reading as set forth below; and, by adding new subparagraphs (13) and (14) reading as follows:

§ 275.204–2 Books and records to be maintained by investment advisers.

(a) * * *

(12) (i) * * * any of the following persons who obtain information concerning securities recommendations being made by such investment adviser other than as a regular client of such investment adviser: (*a*) Any person in a control relationship to the investment adviser, (*b*) any affiliated person of such controlling person and (*c*) any affiliated person of such affiliated person.

(13) Notwithstanding the provisions of subparagraph (12) of this paragraph, where the investment adviser is primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients, a record must be maintained of every transaction in a security in which the investment adviser or any advisory representative of such investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except: Transactions effected in any account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction; the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment adviser or advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected. For purposes of this paragraph the term "advisory representative" when used in connection with a company primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients, shall mean any partner, officer, director, or employee of the investment adviser who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendations shall be made, or who, in connection with his duties, obtains any information concerning which securities are being recommended; and any of the following persons who obtain information concerning securities recommendations being made by such investment adviser other than as a regular client of such investment adviser: (i) Any person in a control relationship to the investment adviser, (ii) any affiliated person of such controlling person, and (iii) any affiliated person of such affiliated person. An investment adviser shall not be deemed to have violated the provisions of this subparagraph (13) because of his failure to record securities transactions of any advisory representative if he establishes that he instituted adequate procedures and used reasonable diligence to obtain reports of all transactions required to be recorded.

(14) For purposes of paragraphs (a)(12) and (13) of this § 275.204–2, control shall have the same meaning as that set forth in section 2(a)(9) of the Investment Company Act of 1940, as amended.

* * * * * *

The Commission has authority to adopt the proposed amendment of paragraph (12) of Rule 204–2(a) and new paragraphs (13) and (14) of Rule 204–2(a) pursuant to the provisions of section 211(a) of the Advisers Act.

All interested persons are invited to submit their written views and comments on the proposals to Alan Rosenblat, Chief Counsel, Division of Investment Company Regulation, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 16, 1973. All communications in this regard should refer to File No. S7–462, and will be available for public inspection.

(Secs. 202, 211, 54 stat. 847, 855, 84 stat. 1433, 15 U.S.C. 80b–2, 80b–6a, 80b–11)

For the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 18, 1972.

[FR Doc.73–1019 Filed 1–16–73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-465; FPC Form 67]

STEAM-ELECTRIC PLANT REPORTING REQUIREMENTS

Reporting of Environmental Data

JANUARY 9, 1973.

Notice is given pursuant to section 553 of title 5 of the United States Code, that the Commission proposes to revise FPC Form No. 67, Steam-Electric Plant Air and Water Quality Control Data, as that form is now prescribed by § 141.59, Part 141—Statements and Reports, Subchapter D, Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations. FPC Form No. 67 is an annual report form of the Commission, as prescribed by Order No. 412, October 22, 1970, 44 FPC 1291.

The revisions which the Commission now proposes are of two general types. One type of change is directed to securing substantially increased amounts of data relative to fuel, air, land, and water environmental aspects of steam-electric generating station construction and operation, based upon rolling projections of 5, 10, 15, 20 years into the future. These data are designed to provide the basis for quantifying the impacts upon air, land and water resources of building and operating fossil-fired and nuclear steam-electric generating stations. These data would relate to present and projected fuel sources, generating station locations and thermal, gaseous and particulate emissions therefrom to surrounding air, land and water environments, together with present and projected land uses. These data, which are not now obtained, would be obtained annually by means of the following reporting schedules, Proposed Part III Future Air and Water Quality Data, section 1—Projected Plant Data—General, section 2—Projected Plant Fuel—Consumption (Annual), section 3—Projected Plant Emissions—Air, section 4—Projected Plant Water Use, section 5—Solid Waste:

PART III—FUTURE AIR AND WATER QUALITY DATA

Line No.		Current year	Current year plus— 5 years	10 years	15 years	20 years
	SECTION 1—PROJECTED PLANT DATA					
	General:					
01	Existing boiler-generator units:					
02	Number in operation					
03	Total nameplate capacity, MW [1]					
04	Land in use for existing plant, acres [2]					
05	New boiler-generator units:					
06	Number in operation					
07	Total nameplate capacity, MW [1]					
08	If totally new plant report also:					
09	Plant name					
10	State					
11	County					
12	Air quality control region [3]					
13	Water resource region [3]					
14	Estimated land requirements for new units					
15	or new plant, acres [2]					
16	Total number of units (old and new) in operation					
17	Total nameplate capacity (of line 16), MW [1]					
18	Total acreage (old and new plant) [2]					
	SECTION 2—PROJECTED PLANT FUEL—CONSUMPTION (ANNUAL)					
01	Coal:					
02	Quantity, 1,000 tons					
03	Sulfur content, percent					
04	Origin—Bureau of Mines region					
05	Oil:					
	Residue:					
06	Quantity, 1,000 bbls					
07	Sulfur content, percent					
	Source:					

PART III—FUTURE AIR AND WATER QUALITY DATA—Continued

Line No.		Current year	Current year plus— 5 years	10 years	15 years	20 years
	Residue—Continued					
	Source—Continued					
08	Domestic [4]					
09	Imported [4]					
	Distillate:					
10	Quantity, 1,000 bbls					
	Source:					
11	Domestic [4]					
12	Imported [4]					
	Crude: [5]					
13	Quantity, 1,000 bbls					
14	Sulfur content, percent					
	Source:					
15	Domestic [4]					
16	Imported [4]					
17	Gas:					
	Quantity:					
18	Firm, 1,000 M.c.f.					
19	Interruptible, 1,000 M.c.f.					
20	Total, 1,000 M.c.f.					
	SECTION 3—PROJECTED PLANT EMISSIONS—AIR					
01	Total particulates, 1,000 tons/year [6]					
02	Total sulfur oxides, 1,000 tons/year [7]					
03	Total nitrogen oxides, 1,000 tons/year [8]					
04	Total heat, billion B.t.u./year [9]					
05	Water vapor, 1,000 tons/year [10]					
	SECTION 4—PROJECTED PLANT WATER USE					
06	Source of cooling water [11]					
07	Types of cooling systems: [12]					
08	Once through					
09	Cooling towers, wet					
10	Cooling towers, dry					
11	Artificial cooling ponds					
12	Average water withdrawal from water body c.f.s					
13	Average water flow through condensers, c.f.s.					
14	Average temperature rise across condensers, °F					
15	Average water return to water body, c.f.s.					
16	Direct and indirect evapotation losses, 1,000 ton/year [13]					
	SECTION 5—SOLID WASTE					
17	Ash (top and bottom), 1,000 tons/year					
18	Stack scrubbing waste, 1,000 tons/year [13]					

[1] At maximum hydrogen pressure.
[2] Report total land requirements for generating plant, substation(s), fuel storage area, waste disposal area, land used by cooling facilities, etc.
[3] Report region number or name.
[4] Report percentage of total in the category which is of domestic or foreign origin.
[5] Include both crude and topped crude.
[6] Compute for each unit: (Fuel ash content—bottom ash)X(1—Control technique efficiency expressed as decimal); sum up emissions from all units.
[7] Compute for each unit: (Sulfur content of fuel—Sulfur content of product removed)X2; sum up emissions from all units.
[8] Use following plant emission rates: Pulverized coal, dry bottom—18 lbs/ton of coal; Pulverized coal, wet bottom—30 lbs/ton of coal; cyclones—55 lbs/ton of coal; 4.4 lbs/bbl of oil; 390 lbs/1,000 M.c.f. of gas. Subtract nitrogen oxide reduction by a control technique.
[9] Estimated heat emission with flue gases.
[10] Direct evaporation and drift from cooling system plus induced evaporation in diversion channel and in receiving water body.
[11] Code—River, natural lake, artificial lake, estuary, sea. Give name if available.
[12] Indicate percent of total generating capacity in lines 8 through 11.
[13] Describe in footnote.

The other type of proposed revision would incorporate as a part of the FPC Form No. 67 a series of supplemental or clarifying reporting requirements. They are as shown in the following schedule, Part I, Air Quality Control Data, Schedule E, Equipment (Design Parameters), section 1A—Boiler Ability to Burn Alternate Fuels:

PART I—AIR QUALITY CONTROL DATA, SCHEDULE E—EQUIPMENT (DESIGN PARAMETERS)

Line No.	Section 1A—Boiler ability to burn alternate fuels (a)	Boiler No. (b)	Boiler No. (c)	Boiler No. (d)	Boiler No. (e)	Check for footnote [1] (f)
01	Boiler Number(s)					
02	Coal:					
03	Is boiler equipped to burn coal (yes or no)[2]					
04	Is boiler capable of burning coal continuously (yes or no)[2]					
05	Report coal storage capacity in:					
06	1,000 tons					
	Burn days					
07	Percent derating of related generator capacity when burning coal					
08	Oil:					
09	Is boiler equipped to burn oil (yes or no)					
10	Is boiler capable of burning oil continuously (yes or no)[2]					
11	Report oil storage capacity in:					
12	1,000 bbls [4]					
	Burn days [4]					
13	Percent derating of related generating capacity when burning oil					
14	Gas:					
15	Is boiler equipped to burn gas					
16	Is gas available on firm basis (yes or no)					
17	Percent derating of related generating capacity when burning gas					

[1] All footnotes should be shown on page 12.
[2] If the answer is "yes", but equipment changes or maintenance are required to burn coal, state time period in days for completion of such changes or maintenance. For example, if the time period required to reconvert boiler to the use of coal is 45 days, respond as follows: Yes/45. If coal burning capability is available immediately, respond: Yes/0.
[3] If answer is "no", explain in footnote on page 12.
[4] Do not include storage capacity of tankers at sea.

To facilitate these revisions, the following changes would be completed in the General Instructions to FPC Form No. 67.

Amend General Instruction (1) to provide for the reporting of data from any electric utility with steam-electric generating capacity of 25 megawatts or over. As currently prescribed, FPC Form No. 67 is to be completed by electric utilities having 150 megawatts or more of electric generating capacity, 25 megawatts of which is steam-electric. Also, FPC Form 67, as now constituted, is prescribed for utilities which have generating plants of 25 megawatts or more located in 52 Air Quality Control Regions of the Nation. Since the promulgation of Form 67 in 1970, Air Quality Control Regions have been established throughout the Nation. As revised General Instruction (1) would be revised by deletion of certain portions of the instruction and deletion of Appendix A to Form 67, to read as follows:

(1) An original and five conformed copies of this report form properly filled out and attested shall be filed with the Federal Power Commission on or before the first day of the fifth month following the close of the calendar or fiscal year for each plant operated by an electric utility with a steam-electric generating capacity of 25 megawatts or greater during the year covered.

Amend General Instruction (5) to provide for the annual reporting of data to be set forth in Part III—Future Air and Water Quality Data, and to provide for the reporting of Part I, Schedule E, Section 1A data for 1972, 1974 and thereafter every fifth year. As amended, General Instruction (5) reads as follows:

(5) Part I, Schedules A, B, C, and D, Part II, Schedules A and B, and Part III should be reported in full each year. Part I, Schedule E, except for Part I, Schedule E, Section 1A, and Part II, Schedules C, D, E, and F, should be completed for 1969 and every fifth year thereafter (1974, 1979, etc.); Part I, Schedule E, Section 1A should be completed for 1972 and for 1974 and every fifth year thereafter (1979, 1984, etc.); in the intervening years (1970, 1971, 1972, 1973, 1975, etc.) the data should be reported when equipment was: (a) placed in operation during the year; (b) altered during the year (i.e., installed, remodeled, removed or otherwise changed); or (c) not previously reported.

It is also proposed to amend § 141.59 of Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, to read as follows:

§ 141.59 Form No. 67, Steam-electric plant air and water quality control data.

This form is designed to obtain pollution control information related to fuel quality, pollution control equipment installed, the present and future operation of such equipment and the present and future disposition of waste materials from steam-electric generating plants; data relating to plant and equipment is required every fifth year (see General Instruction No. 5), except for Section 1A, Schedule E, Part I, which shall be reported for the reporting years 1972, 1974 and then every fifth year thereafter, unless changed or retired prior to the expiration of such periods and to the operations thereof annually.

The proposed revisions to FPC Form No. 67 will materially assist this Commission in the discharge of its regulatory responsibilities under the Federal Power Act, 16 U.S.C. 791(a) et seq. The data to be secured should also be of assistance to other Federal departments and agencies, State and local governmental authorities, operating utilities, electric consumers, equipment manufacturers and the general public. In promulgating FPC Form No. 67, the Commission stated in part, 44 FPC 1291:

FPC Form No. 67 has been designed with the assistance of those agencies to obtain information periodically of the quality of fuel used in fossil fueled steam-electric generating plants of 25 megawatts or more, of the costs of facilities and other data relating to their operation and maintenance regarding the amounts and kinds of particulates emitted by such plants, and of the heat emissions and other matters discharged into streams and other waters by fossil and nuclear-fueled steam-electric generating plants. This information will provide a basis for the development of effective environmental quality control programs.

The amendment to the Commission's Regulations under the Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly Sections 304, 309, and 311 (49 Stat. 855, 858, 859; 16 U.S.C. 825c, 825h, 825j).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than February 23, 1973, views and comments in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revised report form, under the provisions of the Federal Reports Act of 1942, may, at the same time, submit a conformed copy of their comments to the Clearance Officer, Office of Statistical Standards, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny requests for conference. The Commission will consider all written submittals and responses before issuing an order in this proceeding.

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

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-822 Filed 1-16-73;8:45 am]

Notices

DEPARTMENT OF DEFENSE

Department of the Army

ARMED FORCES RESERVE CENTER, LOS ALAMITOS, CALIF.

Notice of Filing of Final Environmental Impact Statement With Council on Environmental Quality

In compliance with the National Environmental Policy Act of 1969, the Army, on January 12, 1973, filed with the Council on Environmental Quality a Final Environmental Impact Statement concerning establishment of an Armed Forces Reserve Center at Los Alamitos Naval Air Station, Los Alamitos, Calif.

Copies of the statement will be forwarded, in the near future, to concerned Federal, State, and local agencies which commented on the draft statement. Interested individuals may obtain copies from National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Inspection copies will be available in the near future at the Southern California Association of Governments, 1111 West Sixth Street (Suite 400), Los Angeles, CA, and at Headquarters, Fort MacArthur, San Pedro, Calif. (phone (213) 831-7200). In the Washington area, inspection copies can be seen in the Office of the Deputy Chief of Staff for Logistics, Room 400, Rosslyn Commonwealth Building, Arlington, Va. (phone (703) 694-3985).

K. B. COOPER,
Brigadier General, GS,
Director of Installations.

[FR Doc.73-1015 Filed 1-16-73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[Docket No. 73-3]

TABLE ROCK LABORATORIES, INC.

Notice of Hearing

Notice is hereby given that on November 21, 1972, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to Table Rock Laboratories, Inc., an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs should not deny the application for registration under the Controlled Substances Act of 1970, of the Respondent, executed on October 4, 1972, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said Order was received by Table Rock Laboratories, Inc., and written request for a prehearing conference having been filed with the Director of the Bureau of Narcotics and Dangerous Drugs, notice is hereby given that a prehearing conference in this matter was held on January 8, 1973, at the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, DC 20537, and by direction of Administrative Law Judge, Frederick Denniston, a hearing in this matter will be held commencing at 10 a.m. on January 25, 1973, in room 1211 of the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, DC 20537.

Dated: January 11, 1973.

JOHN E. INGERSOLL,
Director, Bureau of
Narcotics and Dangerous Drugs.

[FR Doc.73-1016 Filed 1-16-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA ASSOCIATE STATE DIRECTOR ET AL.

Delegation of Authority Regarding Contracts and Leases

JANUARY 9, 1973.

Pursuant to the redelegation of authority contained in BLM Manual 1510.03C:

A. The Associate State Director, Chief, Division of Management Services and Chief, Branch of Administrative Management, State Office, are authorized to enter into contracts for supplies and services within the limits of procurement authority delegated to the State Director in BLM Manual 1510.03B2d.

B. The District Managers and Chief, Division of Administration, District Offices; and the California Desert Planning Director, Riverside, with the exception of capitalized equipment and major noncapitalized property, are authorized:

1. To procure supplies and services available from established sources of supply regardless of amount.

2. To enter into contracts pursuant to section 302(c)(3) of the FPAS Act, for supplies, services and rental of equipment and aircraft not to exceed $2,500 per transaction; and for construction not to exceed $2,000 per transaction; provided that the requirement is not available from established sources of supply.

C. The District Managers and Chief, Division of Administration, District Offices; and Protection Specialist, Division of Technical Services, State Office, are authorized to enter into 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.

D. The District Managers may redelegate the authority for use of Standard Form 44 Order-Invoice-Voucher to any qualified employees under their jurisdiction. The redelegation must be in writing by name designation and subject to monetary and other limitations as may be prescribed by the District Manager. The designated employee, State Office, and Service Centers shall be furnished with a copy of all such redelegations.

E. Delegation of authority regarding contracts and leases published in the FEDERAL REGISTER on November 6, 1971, page 21366, is hereby revoked.

J. R. PENNY,
State Director.

[FR Doc.73-1013 Filed 1-16-73;8:45 am]

Office of the Secretary

[FES 73-1]

PROPOSED SPECIAL USE PERMIT, AERIAL TRAMWAY, GREAT SMOKY MOUNTAINS NATIONAL PARK, TENN.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement concerning issuance of a proposed special use permit to the Smoky Mountain Utility District of Sevier County, Tenn., for construction of an aerial tramway.

The environmental statement considers the effects of an aerial crossing of the entrance road to Great Smoky Mountains National Park. It also considers the effects of constructing a 2.1-mile tramway route between the City of Gatlinburg, Tenn. and the Gatlinburg Ski Lodge.

Copies of the final environmental statement are available from or for inspection at:

Southeast Regional Office, National Park Service, 3401 Whipple Avenue, Atlanta, GA 30344.

Superintendent, Great Smoky Mountains National Park, Gatlinburg, TN 37738.

Dated: January 15, 1973.

W. W. LYONS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.73-1108 Filed 1-16-73;8:45 am]

[FES 72-33]

RESTRICTION OF VEHICULAR USE, BACK BAY NATIONAL WILDLIFE REFUGE, VA.

Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for proposed special regulations restricting vehicular use on the Back Bay National Wildlife Refuge within the metropolis area of Virginia Beach, Va.

The special regulations will permit only authorized vehicles to use the beach area of the refuge. All access to or across refuge lands will be subject to control of the refuge manager or his designated representative.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, Peachtree—Seventh Building, Room 825, Atlanta, Ga. 30323.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2246, 18th and C Streets NW., Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

W. W. LYONS,
Deputy Assistant Secretary, Program Policy.

DECEMBER 29, 1972.

[FR Doc.73-950 Filed 1-16-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NATIONAL PEANUT ADVISORY COMMITTEE

Notice of Open Meeting

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given of a meeting of the National Peanut Advisory Committee at 1:30 p.m. on January 22, 1973, and at 8:30 a.m. on January 23, 1973, in Room 218-A of the Administration Building, U.S. Department of Agriculture, Washington, D.C. The purpose of this meeting is to discuss alternative programs for peanuts. The meeting will be open to the public.

The names of committee members, agenda, summary of the meeting, and other information pertaining to the meeting may be obtained from Harlan H. Holleman, Director, Oilseeds and Special Crops Division, ASCS, South Building, Room 5768, Washington, D.C. Telephone 202—447-7973.

Signed at Washington, D.C., on January 12, 1973.

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

[FR Doc.73-1028 Filed 1-16-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-327]

NEWPORT TANKERS CORP.

Notice of Application

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed Applicant, and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such Applicant if its application for operating-differential subsidy is granted.

The following Applicant has requested permission involving the domestic intercoastal or coastwise services described below:

Name of application. Newport Tankers Corp. (Newport).

Description of domestic service and vessels. The applicant, Newport, owns the Achilles, and has requested written permission to continue to engage in the domestic intercoastal or coastwise service as well as the right to move any vessel from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s).

Written permission is now required by the applicant, Newport, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of The Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on January 23, 1973 file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., January 25, 1973, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Administration.

Dated: January 12, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-1027 Filed 1-16-73;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. C-379]

WILLIAM R. BROCHIER

Notice of Loan Application

JANUARY 10, 1973.

William R. Brochier, 2677 Hawthorne Avenue, Hayward, CA. 94545, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 47 feet in length, to engage in the fishery for bonito, salmon, and tuna off the coasts of California, Oregon, Washington, and Mexico.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.73-939 Filed 1-16-73;8:45 am]

[Docket No. C-378]

DARREL WILLIAM POTTER

Notice of Loan Application

JANUARY 10, 1973.

Darrel William Potter, P.O. Box 97, Avila Beach, CA 93424, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used steel vessel, about 50 feet in length, to engage in the fishery for tuna and bottomfish off the coasts of California, Oregon, Washington, and Mexico.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.73-940 Filed 1-16-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151 at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231 at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION

Patent 3,650,926. Radiolytic Treatment of Organic Industrial Wastes in a Pressurized Oxygen Atmosphere. Filed October 7, 1969. Patented March 21, 1972. Not available NTIS.

Patent 3,640,115. Tube Spacer Tool. Filed December 19, 1969. Patented February 8, 1972. Not available NTIS.

Patent 3,640,336. Recovery of Geothermal Energy by Means of Underground Nuclear Detonations. Filed June 19, 1970. Patented February 8, 1972. Not available NTIS.

Patent 3,638,200. Electrostatic Recording System. Filed March 4, 1970. Patented January 25, 1972. Not available NTIS.

Patent 3,638,160. Shock Pressure Transducer. Filed September 4, 1969. Patented January 25, 1972. Not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR

Patent 3,699,849. Hydraulic Cell for Calibrating a Pressure Transducer. Filed November 12, 1970. Patented October 24, 1972. Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Patent application 289,050. Rocket Chamber and Method of Making. Filed September 14, 1972. PC $3.00/MF $0.95.

Patent application 281,877. Method and Apparatus for Checking the Stability of a Setup for Making Reflection Type Holograms. Filed August 18, 1972. PC $3.00/MF $0.95.

Patent application 282,738. Shoulder Harness and Lap Belt Restraint System. Filed August 22, 1972. PC $3.00/MF $0.95.

[FR Doc.73-847 Filed 1-16-73;8:45 am]

Office of Import Programs

DAVID LIPSCOMB COLLEGE, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

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

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

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the section is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 72-00112-01-77030. Applicant: David Lipscomb College, Nashville, Tenn. 37203. Article: NMR Spectrometer, Model JNM-C60HL. Date of denial without prejudice to resubmission: September 12, 1972.

Docket No. 72-00315-00-23600. Applicant: The University of Tennessee, Knoxville, Tenn. 37916. Article: Accessories for Winkie GW-15 diamond drilling outfit. Date of denial without prejudice to resubmission: September 13, 1972.

Docket No. 72-00391-33-46040. Applicant: New York State Institute for Research in Mental Retardation, 1050 Forest Hill Road, Staten Island, NY 10314. Article: Electron Microscope, Model HS-8-2. Date of denial without prejudice to resubmission: September 8, 1972.

Docket No. 72-00535-00-43400. Applicant: Veterans' Administration Hospital, Archer Road, Gainesville, Fla. 32601. Article: Three (3) Miniature Micromanipulators, Model MM3. Date of denial without prejudice to resubmission: September 12, 1972.

Docket No. 72-00539-33-79200. Applicant: Veterans' Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Electric Water Still, Type

3. Date of denial without prejudice to resubmission: September 12, 1972.

Docket No. 72-00575-33-79200. Applicant: Veterans' Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Water Still and Boiling Flask. Date of denial without prejudice to resubmission: September 25, 1972.

Docket No. 72-00576-33-79200. Applicant: Veterans' Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Water Still, Condenser, and Receiving Flask. Date of denial without prejudice to resubmission: September 25, 1972.

Docket No. 72-00578-33-46500. Applicant: Georgia State University, Biology Department, 33 Gilmer Street SE., Atlanta, GA 30303. Article: Ultramicrotome, Model Om U2. Date of denial without prejudice to resubmission: September 25, 1972.

Docket No. 72-00598-33-46500. Applicant: Mississippi State University, Department of Microbiology, Drawer EM, State College, MS 39762. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: September 25, 1972.

Docket No. 72-00599-33-46595. Applicant: Environmental Protection Agency, Research Division, 12709 Twinbrook Parkway—Room 40-B, Rockville, MD 20852. Article: Pyramitome, Model LKB 11800. Date of denial without prejudice to resubmission: September 25, 1972.

Docket No. 73-00097-99-26200. Applicant: U.S. Department of Commerce, Maritime Administration, Room 14024 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113. Article: Radar Simulator Boards. Date of denial without prejudice to resubmission: September 14, 1972.

Docket No. 73-00099-01-77030. Applicant: The Johns Hopkins University, Department of Chemistry, 34th and Charles Streets, Baltimore, MD 21218. Article: NMR Spectrometer, Model JNM-MH-100. Date of denial without prejudice to resubmission: September 14, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-975 Filed 1-16-73;8:45 am]

STATE UNIVERSITY OF NEW YORK AT BUFFALO

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

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

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

Docket No. 72-00497-01-77030. Applicant: State University of New York at Buffalo, c/o Office of Facilities Planning, Equipment Division, 3258 Main Street, Buffalo, NY 14214. Article: NMR Spectrometer, Model JNM-MH-100. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used for high-sensitivity studies of C-13 sidebands; structure elucidation studies of products from photochemical and thermal reactions of aroylaxetidines; and for high resolution spectra of small amounts of sparingly soluble natural products such as hirsutic acid. The article will also be used by graduate students for thesis research and in four undergraduate courses in chemistry.

Comments: No comments were received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, could have been made available to the applicant institution without excessive delay at the time the foreign article was ordered (Mar. 17, 1971).

Reasons: The foreign article is of the category that is customarily "produced on order" which is defined in § 701.2(j) of the Department's regulations as "an instrument, apparatus, or accessory which a manufacturer lists in a current catalog and is able and willing to produce and have available without unreasonable delay to the applicant." Section 701.11(b) of the regulations provides in pertinent part that "in determining whether a U.S. manufacturer is able and willing to produce a produced-on-order, or custom-made instrument, apparatus, or accessory and have it available without unreasonable delay to the applicant the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category."

The question of availability without unreasonable delay is associated with the issue of excessive delivery time which is explained in § 701.11(c) of the regulations as follows:

Excessive delivery time. Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus, or accessory of equivalent scientific value for the purposes described in response to question 7 of the application form, if the delay in obtaining such domestic instrument, apparatus, or accessory (as indicated by the difference between the delivery times quoted by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determining whether the difference in delivery times is excessive, the Deputy Assistant Secretary shall take into account the relevancy of the applicant's program to other research programs with respect to timing, the applicant's need to have such instrument, apparatus, or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

The foreign article was ordered March 17, 1971. The applicant alleges that the Varian XL-100-15, the most closely comparable domestic instrument, was not available within a reasonable delivery period from the time of purchase. In a letter dated August 5, 1970, to the Department of Commerce regarding the availability of the Varian XL-100-15 system, Varian advised that the delivery time for the XL-100-15 system was 6 to 8 months and later advised in a letter dated August 26, 1971, to Boston University that the delivery time for the XL-100-15 system was 5 to 9 months. The delivery time for the foreign article was quoted as a guaranteed delivery within 21 days of receipt of purchase order. The National Bureau of Standards (NBS) advises in its memorandum dated August 15, 1972, that the difference in delivery time [between the foreign article and the XL-100-15] is pertinent for the [applicant's] intended educational uses.

Accordingly, we find that the difference in delivery time between the foreign article and the Varian XL-100-15 to be excessive within the meaning of § 701.11(c) as it would seriously impair the accomplishment of the applicant's educational purposes.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-977 Filed 1-16-73;8:45 am]

UNIVERSITY OF RHODE ISLAND, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

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

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

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 701.8 of the Regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the

expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the section is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 71-00476-01-77030. Applicant: University of Rhode Island, Department of Chemistry, Kingston, R.I. 02881. Article: NMR Spectrometer, Model JNM-C-60-HL. Date of denial without prejudice to resubmission: August 7, 1972.

Docket No. 72-00083-55-17500. Applicant: Oregon State University, Post Office Box 1086, Corvallis, OR 97331. Article: Recording current meter, Model 4. Date of denial without prejudice to resubmission: August 30, 1972.

Docket No. 72-00099-65-46070. Applicant: State University of New York, Stony Brook, Materials Science, Stony Brook, N.Y. 11790. Article: Scanning Electron Microscope, Model Mark IIA. Date of denial without prejudice to resubmission: August 31, 1972.

Docket No. 72-00348-33-46070. Applicant: Duke University, Erwin Road, Durham, N.C. 27706. Article: Scanning Electron Microscope, Model JSM-S1. Date of denial without prejudice to resubmission: August 7, 1972.

Docket No. 72-00403-33-86500. Applicant: Vanderbilt University, Chemical and Biomedical Engineering, 21st and West End Avenue, Nashville, Tenn. 37203. Article: Rheogoniometer, Model R.18. Date of denial without prejudice to resubmission: August 31, 1972.

Docket No. 72-00411-33-46500. Applicant: New York City Health & Hospitals Corp., Department of Pathology, Queens Hospital Center, 82-68 164th Street, Jamaica, NY 11432. Article: Ultramicrotome, Model Om U2. Date of denial without prejudice to resubmission: August 7, 1972.

Docket No. 72-00419-73-41895. Applicant: NASA-Manned Spacecraft Center. Houston, Tex. 77058. Article: Polished Lens Blanks. Date of denial without prejudice to resubmission: August 17, 1972.

Docket No. 72-00420-91-11000. Applicant: Brigham Young University, Department of Botany and Range Science, 285 Widtsoe Building, Provo, Utah 84601. Article: Gas Chromatograph-Mass Spectrometer, Model MAT 111. Date of denial without prejudice to resubmission: August 9, 1972.

Docket No. 72-00470-81-87540. Applicant: University of Hawaii, J.K.K. Look Laboratory, 1811 Olomehani Street, Honolulu, HI 96822. Article: Self-recording bottom mounted Wave Recorder and Analyzer, Model DNW-2. Date of denial without prejudice to resubmission: August 18, 1972.

Docket No. 72-00475-33-02300. Applicant: Emory University, Department of Psychiatry, Atlanta, Ga. 30322. Article: Primate Cages. Date of denial without prejudice to resubmission: August 17, 1972.

Docket No. 72-00502-00-61800. Applicant: Central Florida Museum and Planetarium, 810 East Rollins Avenue, Orlando, FL 32803. Article: Planetarium Projector, Model MS-10. Date of denial without prejudice to resubmission: August 7, 1972.

Docket No. 73-00042-33-46500. Applicant: U.S. Department of Agriculture, ARS, Management Services Division for Research, 701 Loyola Avenue, New Orleans, LA 70113. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: August 10, 1972.

Docket No. 73-00085-25-31000. Applicant: WHYY, Inc., 4585 Market Street, Philadelphia, PA 19139. Article: Videoskop 111 and Sideband Adapter. Date of denial without prejudice to resubmission: August 31, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-976 Filed 1-16-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-474; NADA 7-983V etc.]

AMERICAN CYANAMID CO. ET AL.

Certain New Animal Drug Applications; Notice of Withdrawal of Approval of New Animal Drug Applications

In the FEDERAL REGISTER of November 1, 1972 (37 FR 23285), the Commissioner of Food and Drugs published a notice proposing to withdraw approval of the following new animal drug applications:

1. Enheptin Soluble, new animal drug application (NADA) No. 7-983V; by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540.

2. Triple Sulfa Solution, NADA No. 7-055V; by Jensen-Salsbery Laboratories, 520 West 21st Street, Kansas City, MO 64141.

3. Sulfabrom, NADA No. 12-409V; by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Rahway, N.J. 07065.

4. Purina Hepzide Blackhead Control, NADA No. 11-179V; by Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

5. Kaobiotic Suspension, NADA No. 9-695V; by the Upjohn Co., Kalamazoo, Mich. 49001.

6. (a) SQS (Sulfaquinoxaline), NADA No. 6-895V; (b) Histosep-S, NADA No. 7-779V; and (c) Histocarb Soluble, NADA No. 11-501V; by Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, PA 17067.

Ralston-Purina Co. responded to said notice. They informed the Commissioner that they do not wish to avail themselves of the opportunity for a hearing. None of the other firms listed herein have responded to the notice. This is construed as an election by said firms not to avail themselves of the opportunity for a hearing.

Therefore, based on the grounds set forth in said notice of opportunity for a hearing, the Commissioner concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 7-983V, NADA No. 7-055V, NADA No. 12-409V, NADA No. 11-179V, NADA No. 9-695V, NADA No. 6-895V, NADA No. 7-779V and NADA No. 11-501V, including all amendments and supplements thereto, is hereby withdrawn effective on January 17, 1973.

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-943 Filed 1-16-73;8:45 am]

CALIFORNIA CANNERS AND GROWERS

Canned Peaches, Canned Pears, and Canned Fruit Cocktail Deviating From Identity Standards; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to California Canners and Growers, 3100

Ferry Building, San Francisco, Calif. 94106. This permit covers limited interstate marketing tests of canned peaches, canned pears, and canned fruit cocktail that deviate from their standards of identity (21 CFR 27.2, 27.20 and 27.40) in that the fruits will be packed in a medium of light sirup prepared from a mixture of brown sugar and honey.

The principal display panel of the label of each container will bear the statement "Packed in brown sugar and honey."

This temporary permit shall expire 12 months from the date of the signature of this document (1-2-74).

Dated: January 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-942 Filed 1-16-73;8:45 am]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 FR 15953, October 30, 1968), as amended, is hereby amended with regard to section 3-20, *Organization and functions*, as follows:

Within the chapter alphabetically coded 3J-00—National Institute of Mental Health (3J00)—the functional statements for the Office of Communications (3J17) and the Office of Program Planning and Evaluation (3J31) are being amended to reflect the transfer—from the former to the latter—of the National Clearinghouse for Mental Health Information and also certain minor organization changes.

Because of the above, paragraphs headed *Office of Communications (3J17)* and *Office of Program Planning and Evaluation (3J31)* are hereby deleted and replaced by the following text:

Office of Communications (3J17). (1) Plans and carries out NIMH-wide public affairs activities, and provides public information services to selected program areas; (2) develops the policy and procedural framework within which NIMH public information activities operate; (3) advises the Director, NIMH, and individual program directors regarding the effective use of public information in accomplishing program objectives; (4) serves as NIMH clearance point for publications, speeches, news releases, and related items; (5) responds to public inquiries regarding NIMH programs and mental health in general; (6) provides central photography, art work, and related services to the NIMH; and (7) operates the NIMH Communications Center and library.

Office of Program Planning and Evaluation (3J31). (1) Develops NIMH multiyear program plans for input into overall HSMHA/DHEW plans; (2) implements the Department's Operational Planning System within the NIMH; (3) conducts continuing studies and analysis of the distribution, content, and outcome of major programmatic efforts in mental health; (4) develops and operates an NIMH-wide program information system reflecting the essential structure, results, and status of projects supported or conducted by the NIMH; (5) collects information from worldwide mental health sources and from NIMH programs, and disseminates data to the scientific community; (6) provides statistical services and technical assistance to NIMH programs and collects statistical data of special use in National mental health programing; (7) evaluates NIMH progress toward program goals and objectives and manages the NIMH's evaluation efforts in connection with legally set-aside evaluation funds; and (8) develops methods, procedures, and other tools for the use of NIMH programs in conducting internal planning, analysis, and evaluation.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

JANUARY 3, 1973.

[FR Doc.73-1001 Filed 1-16-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Notice of Availability of AEC Draft Environmental Statement, Applicant's Environmental Report and Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement related to the proposed issuance of a construction permit to Niagara Mohawk Power Corp. for the proposed Nine Mile Point Nuclear Station Unit 2, to be located in Oswego, County, N.Y., has been prepared by the Commission's Directorate of Licensing. The Draft Statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Oswego City Library, 120 East Second Street, Oswego, NY 13126. The Draft Statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, NY 12207, and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, NY 13202. Copies of the Commission's Draft Environmental Statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing. An Environmental Report and Supplement thereto (Environmental Reports) submitted by the Niagara Mohawk Power Corp. are also available for public inspection at the above-designated locations. Notice of availability of the Environmental Reports was published in the FEDERAL REGISTER on July 14, 1972 (37 FR 13816).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may, within forty-five (45) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, the Environmental Reports and the Draft Environmental Statement for the Commission's consideraion. Federal and State agencies are being provided with copies of the Environmental Reports and the Draft Environmental Statement (local agencies may obtain these documents upon request) and, when any comments thereon by Federal, State and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the Draft Environmental Statement from interested members of the public should be addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 11th day of January 1973.

For the Atomic Energy Commission.

WM. H. REGAN, Jr.,
Chief Environmental Projects Branch No. 4, Directorate of Licensing.

[FR Doc.73-1000 Filed 1-16-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21866-7; Order 73-1-37]

TEXAS INTERNATIONAL AIRLINES, INC.

Phase 7—Fare Level; Order Granting Fare Increase

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of January 1973.

By Order 72-8-50, dated August 10, 1972, the Board issued its opinion and order in this phase of the domestic passenger-fare investigation. We there prescribed the maximum lawful fares applicable between the 48 contiguous States and the District of Columbia at 8.9 percent over the fares that became effective October 15, 1970.

Texas International Airlines, Inc. (Texas International) has requested that the Board amend the order to the extent necessary to permit it to increase most of its standard-class fares (now set at 115 percent of coach) to the level now in effect for certain other local service carriers—118 percent above the domestic jet coach fare.[1]

[1] Texas International would continue present fare levels in numerous competitive markets, and in a few such markets would increase the fares to 118 percent of coach.

In support of its request, Texas International asserts that there is little difference in the quality of service between those local service carriers publishing standard-class fares at 115 percent of coach and those publishing at 118 percent.[2] The carrier states that Order 72–8–50 binds it to the 115-percent level although it presumably would have been permitted to effect such an increase prior to the Phase 7 decision, as was Frontier in May 1972. It believes that the Board's decisions in the fare investigation in no way abrogate the Board's established policy of permitting local service carriers flexibility to maximize revenues through fare adjustments.

Texas International asserts that it has operated at a considerable loss in each of the 4 years preceding 1972 and that it was extremely close to bankruptcy prior to its acquisition by Jet Capital Corp. this year. Within the past year, the carrier has instituted a vigorous cost reduction program and at the same time has taken steps to improve its overall yield. While these programs have been beneficial, Texas International's financial condition continues to be poor, amounting to a net loss of $1.67 million for the first half of 1972.

In summary, the carrier alleges that it has done as much as possible by itself to improve its financial position, and now needs the Board's assistance in the form of an amendment of the fare ceiling established by Order 72–8–50. Texas International estimates that the proposed adjustment of its standard-class fare level will increase its revenues approximately $294,000 annually.

No objections have been filed.

The Board concludes that Texas International has adequately demonstrated the need for an increase in its standard-class fares to a level 118 percent above domestic coach, and we are by this order amending Order 72–8–50 as requested, subject to procedures for the filing of exceptions thereto. Although the carrier has shown improvement in recent months it continues to report sizable net losses, after subsidy, in spite of significant self-help measures over the past year, and we find no valid basis for denying the small overall increase proposed.

Texas International reduced its operating cost from $3.27 to $3.07 per plane mile during the year ended March 31, 1972, and its plane-mile costs are now the lowest in the local service industry.[3] Various adjustments to its discount fare structure have contributed to an improvement in its overall fare yield which has increased from 7.81 cents per passenger mile for the year ended March 31, 1971, to 8.31 cents for the first 9 months of 1972. However, the current yield is still well below the average for the local service industry, and Texas International continues to show losses for the latest annual reporting period.[4]

While the Phase 7 decision had industry-wide application, we specifically excluded local service carriers in our discussion of the propriety of establishing fares on the basis of industry costs.[5] Thus, the present request does not raise the kind of issues as would be raised by a comparable request from a trunk carrier. In view of the particular circumstances described above, the requested modification of Order 72–8–50 appears warranted.

Price stabilization considerations. Section 229.3 of the Board's Economic Regulations sets forth the criteria which must be satisfied for Board approval of fare increases under the price stabilization program. Based on the data before us, the Board has determined that the fare increases authorized herein satisfy these criteria.

The increases approved herein are clearly cost justified. The carrier has consistently incurred losses in recent years, including a net loss of over $4 million for the most recent annual reporting period (year ended Sept. 30, 1972). The fare increases we are permitting to become effective, on the other hand, will increase Texas International's revenues by only approximately $294,000 annually, or about one-half of 1 percent of its annual revenues. This increase will not enable the carrier to exceed the rate of return on its investment found to be fair and reasonable by the Board.

Procedures. The amendment made herein in Order to 72–8–50 will become final on the 20th day following service of this order if no exceptions are filed within that time. Tariffs implementing the amendments made herein will not be accepted prior to the expiration of the time for the filing of exceptions hereto. If no exceptions are filed in such period, tariffs may be filed in conformity with the findings herein on not less than 30 days' notice. If exceptions are filed, further proceedings shall be conducted in such manner as the Board may deem appropriate, and tariffs inconsistent with Order 72–8–50 will not be accepted until the Board rules on the exceptions.

Accordingly, upon consideration of the foregoing matters and all the facts of record in this proceeding,

It is ordered, That:

1. Paragraph 1 of the ultimate findings in Order 72–8–50 is amended to include subparagraph (f) as follows:

f. With respect to the standard-class fares of Texas International Airlines, Inc., the maximum fare prescribed herein is further increased to reflect a maximum relationship of 118 percent of the coach fares which would apply to the distances involved.

2. If no exceptions to the preceding ordered paragraph are filed with the Board on or before January 31, 1973, that paragraph will become final. If such exceptions are filed on or before January 31, 1973, further proceedings in connection therewith shall be conducted in such manner as the Board may deem appropriate.

3. Except to the extent granted herein, the request of Texas International Airlines, Inc., to amend Order 72–8–50 is denied; and

4. Copies of this order will be served upon Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73–1024 Filed 1–16–73;8:45 am]

[2] North Central, Piedmont, and Southern fares are set at 115 percent of coach, while those of Air West, Allegheny, and Frontier are at 118 percent.

[3] Texas International was the only local which reported a reduction in plane-mile cost during this period.

[4] For the year ended Sept. 30, 1972, Texas International reported an operating loss of $188,247 and a net loss after taxes of $371,714.

[5] Order 71–4–59/60, mimeo pp. 70–72., the Board's Apr. 9, 1971 DPFI-Phase 7 decision. This approach was essentially affirmed in the Aug. 10, 1972, DPFI-Phase 7 decision, Order 72–8–50, pp. 39–42.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council from January 2 through January 5, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388–7803.

SOIL CONSERVATION SERVICE

Draft, December 29

Chippewa Creek Watershed, Ohio, county: Several. The statement refers to a proposed flood protection project on 10,300 acres of the Chippewa Creek Watershed, located in Wayne, Medina, Summit, and Stark Counties. The project involves land treatment measures on 1,800 acres, and the construction of three floodwater retarding structures and 33.2 miles of channel modification. Approximately 123 acres of woodland and 33 acres of other land will be disturbed by channel modifications; 334 acres of agricultural, wildlife, and recreation use land will be periodically inundated by detention pools; 38 acres will be permanently committed to project structures. (35 pages) (ELR Order No. 05831) (NTIS Order No. EIS 72 5831–D)

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, Washington, D.C. 20545, 202—973–7373.

Draft, December 27

Transuranium Solid Waste Facility, N. Mex., county, Los Alamos. The statement refers to the proposed construction of a facility which will be operated as part of an experimental program to study and develop safe and effective sorting, compacting, and incinerating procedures for low-level plutonium contaminated waste. A significant volume reduction is desired to facilitate eventual permanent storage of residual solid waste. Since administrative procedures will be set to allow a maximum of 100 grams of plutonium and 10 millicuries of mixed fission products at the facility at any time, radiological hazards will be minimized and exposures held well within Federal guidelines. (48 pages) (ELR Order No. 05819) (NTIS Order No. EIS 72 5819–D)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202—967–4335.

Draft, December 29

Convention Center, City of Santa Cruz, Calif., county: Santa Cruz. The statement refers to a proposed grant to the city of Santa Cruz, in order to permit the construction of a 60,000-square-foot convention center on a promontory overlooking the Pacific Ocean. The center will be separate from, but related to, proposed adjoining private development (of a major hotel, parking, and a New England motif shopping center), which is considered by the statement. Approximately 75 acres will be committed to the combined project; there will be socioeconomic and visual (obstruction of the ocean view) adverse effects to nearby residences. (90 pages) (ELR Order No. 05825) (NTIS Order No. EIS 72 5825–D)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202—755–0940.

Draft, December 27

Removal and disposal of digested sludge. The statement refers to the proposed removal of 292,000 cu. yds. of digested sewage sludge from two lagoons of the Northwest Water Pollution Control facilities of Philadelphia and barging them to sea for dumping 11 nautical miles off Cape Henlopen, Del. The purpose of the action is that of providing an adequate area for the construction of additional treatment facilities. The action could prove a precedent setting one for similar future operations; such future discharges may produce long-term irreparable harm to the marine environment of the site. (149 pages) (ELR Order No. 05823) (NTIS Order No. EIS 72 5823–D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—426–4355.

FEDERAL AVIATION ADMINISTRATION

Draft, December 22

Forest City Municipal Airport, Iowa, county: Winnebago. The proposed project contemplates the lengthening and widening of the existing runway; widening of safety area; construction of storm sewers; relocation of County Road DD No. 7; seeding; runway lighting and marking; and acquisition of land for airport development (76 acres—fee; 44 acres—easements). There will be an increase in air and noise pollution from aircraft operation. (26 pages) (ELR Order No. 05810) (NTIS Order No. EIS 72 5810–D)

FEDERAL HIGHWAY ADMINISTRATION

Draft, December 27

Delaware Route 397 (Ott's Chapel Road), Del., county: New Castle. The proposed highway improvement is the construction of a bridge over the Penn Central Railroad and the upgrading of Ott's Chapel Road. The project will increase noise and air pollution. (64 pages) (ELR Order No. 05816) (NTIS Order No. EIS 72 5816–D)

Draft, January 2

South Bend Bypass (US 20), Ind., county: St. Joseph. The statement refers to the proposed construction of a segment of the U.S. 20 expressway to bypass South Bend, Mishawaka, Osceola, and Elkhart. Project length is approximately 6 miles. Five families will be displaced. Temporary increases in noise levels and air and water pollution will occur. (24 pages) (ELR Order No. 00004) (NTIS Order No. EIS 73 0004–D)

Draft, December 29

Route 52 Expressway, Mass. The proposed project is the location, design, construction, and maintenance of a 15-mile segment of Route 52. Volume I examines the 9-mile segment of Route 52 to be located in the city of Worcester and the towns of West Boylston, Holden, and Sterling; Volume II covers the portion to be located in Sterling, Lancaster, and Leominster. Adverse effects of the projects include displacement of families and businesses, changes in land use, relocation of utilities, reduction of tax base, increases in noise and air pollution, disruption during construction and modification of present hydrology in the project area. (Vol. I, 123 pages; Vol. II, 350 pages) (ELR Order No. 05824) (NTIS Order No. EIS 72 5824–D)

Draft, January 2

U.S. 31–Michigan, Mich., counties: Mecosta and Montcalm. The proposed project is the relocation and upgrading of 23 miles of U.S. 131. The project will displace an unspecified number of families and businesses. Increases in air, noise, and water pollution will occur. The project will traverse a number of small tributaries and wetland areas causing alterations in drainage patterns, groundwater levels, aquatic life, stream water flow volumes, and water quality. Complex erosion and sedimentation will effect the Muskegon and Little Muskegon Rivers. An unspecified amount of agricultural and forest acreage will be acquired producing adverse effects on floral and faunal relationships and remove or sever wildlife habitat. (126 pages) (ELR Order No. 00009) (NTIS Order No. EIS 73 0009–D)

Draft, December 29

U.S. Route 302, New Hampshire, county: Coos. The statement refers to the relocation of a 2.1-mile segment of existing Route 302 in order to improve the geometry of the existing segment. The Ammonoosuc River will be crossed twice by bridging. Adverse effects include acquisition of 55 acres of land, relocation of two residences and a highway maintenance shed, and temporary increases in noise and siltation. (33 pages) (ELR Order No. 05826) (NTIS Order No. EIS 72 5826–D)

U.S. 421–(West Market Street), N.C., county: Guilford. The statement refers to the proposed widening of West Market Street in Greensboro to six lanes. The 1.8-mile reconstruction project begins at Jamestown College Road and extends to Muirs Chapel Road. Five families and one business will be displaced. Stream siltation during construction and increased noise levels in the corridor will result. (17 pages) (ELR Order No. 05829) (NTIS Order No. EIS 72 5829–D)

Interstate 84, Rhode Island. The proposed project is part of a proposed 250.5-mile east-west expressway facility extending between Scranton, Pa., and Providence, R.I. The segment considered in this statement will be approximately 17 miles long, depending on the location. All or part of the following areas in Rhode Island are included in the study area: Providence, East Greenwich, North Scituate, Crompton, Clayville, and Coventry Center. The number of families and businesses dislocated will depend upon the corridor selected. (Three volumes, approximately 850 pages) (ELR Order No. 05834) (NTIS Order No. EIS 72 5834–D)

Final, January 2

Alabama State Route 14, Ala., county: Elmore. The statement refers to the proposed relocation and improvement of present Route 14, beginning at the U.S. 231-Alabama 14 intersection near Wetumpka and extending easterly to tie in with the existing four-lane section in Tallassee. Project length is approximately 17 miles. Adverse effects include acquisition of 528 acres of rural land for right-of-way and dislocation of 18 families and one business. (43 pages) Comments made by: USDA, COE, DOC, EPA, HUD, DOI, DOT, HEW, and State and regional agencies. (ELR Order No. 00007) (NTIS Order No. EIS 73 0007–F)

Final, December 29

Route 8, Connecticut. The project involves the improvement of Route 8 between the vicinity of North Street in Seymour and the vicinity of Route 63 in Naugatuck, a distance of 5.8 miles. The project is the final link in the Route 8 expressway between I–95 in Bridgeport, and Route 44 in Winsted. Approximately 20 acres of section 4(f) land from the Naugatuck State Forest will be encroached upon. Seven businesses and 55 families would be affected. (90 pages) Comments made by: USDA, COE, DPA, HUD, DOI, OEO, and State and regional agencies. (ELR Order No. 05752) (NTIS Order No. EIS 72 5752–F)

Final, January 2

S.R. 20–Florida, Fla., counties: Washington and Bay. The proposed project is the construction of 11 miles of S.R. 20. Adverse effects will include loss of plant life and increases in noise and air pollution. (81 pages) Comments made by: USDA, DOI, and EPA. (ELR Order No. 00006) (NTIS Order No. EIS 73 0006–F)

Final, January 4

Kentucky 10-Relocated, Kentucky, county: Mason. The project is the relocation of 5.7 miles of Kentucky 10. An unspecified number of families and businesses will be displaced. One hundred and seventeen acres of land will be acquired for right-of-way. Adverse effects will include an increase of noise levels. (42 pages) Comments made by: USDA, DOI, DOT, EPA, HUD, and State and local agencies. (ELR Order No. 00013) (NTIS Order No. EIS 73 0013–F)

Final, December 29

State Route PR–149, Puerto Rico. The statement refers to the proposed relocation of 7.49 miles of PR–149 between the towns of Manatia and Ciales. The Monatia River will be crossed by the project. Approximately 340 acres will be acquired for right-of-way. Twenty-five

families, five individuals, 10 tenants, and seven businesses will be displaced. Twenty farms will be severed. (155 pages) Comments made by: HEW, DOI, OEO, HUD, and State agencies of Puerto Rico. (ELR Order No. 05827) (NTIS Order No. EIS 72 5827-F)

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft, January 2

MARTA, Georgia. 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. (3 volumes) (ELR Order No. 00000) (NTIS Order No. EIS 73 0001-D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-978 Filed 1-16-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 628]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 26, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4265-C2-P-73—Beep Communication Systems, Inc. (KEC739), replace transmitter operating on 152.12 MHz at Tower Hill Road West of Berkshire Road, Patchogue, N.Y.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

4266-C2-P-73—Same as above except to add facilities on 152.12 MHz at location No. 2: West Gate Drive, Huntington, N.Y.

4267-C2-P-73—Long Island Paging (New), for a new one-way station to operate on 152.24 MHz to be located east of Mt. Misery Road and north of High Hold Drive, Melville, N.Y.

4269-C2-P-73—Midwest Mobile Radio Service, Inc. (New), for a new one-way station to operate on 152.240 MHz at 3011 South 42d Street, St. Joseph, Mo.

4401-C2-P-73—Adlai C. Ferguson Jr. (KSJ769), change the antenna system operating on 152.21 MHz, located 2 miles west of Paris, Ill.

4407-C2-P-73—National Communications System, Inc. (KMM703), relocate facilities operating on 454.100 MHz to Upper Heavenly Valley Lodge, 2 miles southeast of South Lake Tahoe, Calif.

4408-C2-P-73—Central Mobile Radio Phone Service (KQA770), change the antenna system operating on 152.03 MHz at 1000 Urlin Place, Columbus, Ohio.

4466-C2-AL-73—Washington Telphone Co., consent to assignment of license from Washington Telephone Co., assignor, to Continental Telephone Company of the Northwest, Inc., assignee. Stations: KOK336 Ferndale, Wash., KOK343 Tonasket, and KON906 Burlington, Wash.

4467-C2-AL-(3)-73—Valley Telephone Co., consent to assignment of license from Valley Telephone Co., assignor, to Continental Telephone Company of the Northwest, Inc., assignee. Stations: KOK413 near Portland, KFL898 Detroit, Oreg. and KH2322 vicinity of Salem, Oreg. (mobile).

4468-C2-P-73—Vegas Valley Associates, Inc. (KOK334), for additional facilities to operate on 152.06 MHz at location No. 2: First National Bank Building, 300 East Carson Street, Las Vegas, NV.

4469-C2-AL-73—Same as above. Consent to assignment of license from Vegas Valley Associates, Inc., assignor, to WUI/TAS of Las Vegas, Nevada, Inc., assignee. Station: KOK334 Las Vegas, Nev.

4470-C2-P-(3)-73—Contact of Texas (KKD284), for additional facilities to operate on 454.025, 454.075 and 454.125 MHz at a new site described as location No. 2: Comanche Peak, El Paso, Tex.

4471-C2-P-(2)-73—Kankakee Telephone Answering Service, Inc. (KSJ750), change the antenna system operating on 152.180 MHz and add 152.090 MHz at a new site described as location No. 2: 1335 East Locust, Kankakee, IL.

4472-C2-P-(2)-73—Gulf Mobilphone Alabama, Inc. (New), for a new two-way station to operate on 454.200 MHz at location No. 1: Near Warton Lookout Tower on 81st Street, Birmingham, Ala., and 454.225 MHz at location No. 2: 2301 Farley Place, Birmingham, AL.

4507-C2-P-(5)-73—Central Telephone Co. (KOH273), change the antenna system operating on 152.51, 152.60, 152.69, and 152.72 MHz and add facilities to operate on 152.66 MHz at Fifth and Carson Streets, Las Vegas, Nev.

4508-C2-P-73—Coeur d'Alene Answering Service (New), for a new one-way station to operate on 35.58 MHz at 10 miles west-southwest of Coeur d'Alene, Mica Peak, Idaho.

4509-C2-P-(2)-73—Same as above except for a new two-way station to operate on 454.125 and 454.175 MHz at Mica Peak, 10 miles west-southwest of Coeur d'Alene, Idaho.

4511-C2-P-73—Telephone Message Exchange (New), for a new one-way station to operate on 35.22 MHz at the Spokane Municipal Airport, seven-eighths mile north-northwest of Felts Field, Baldy Hill, Wash.

Major Amendment

8219-C2-P-(10)-72—Radiofone (KKO349), amend to include change of location for facilities operating on 454.175 MHz. See Public Notice No. 598, dated May 30, 1972.

RURAL RADIO SERVICE

4466-C1-AL-73—Washington Telephone Co., consent to assignment of license from Washington Telephone Co., assignor, to Continental Telephone Company of the Northwest, Inc., assignee. Station: KSQ50 Temp-Fixed.

4467-C1-AL-73—Valley Telephone Co., consent to assignment of license from Valley Telephone Co., assignor, to Continental Telephone Company of the Northwest, Inc., assignee. Station: KPP87 Temp-Fixed.

4392–C1–MP–73—Western Tele-Communications, Inc. (WOI59), Saddle Peak, 3.5 miles north-northeast of Malibu Beach, Calif. Latitude 34°04'32" N., longitude 118°39'30" W. Modification C.P. 4269–C1–P–70 to change frequency 3770V to 4170V toward Los Angeles, Calif. on azimuth 116°48'.

4393–C1–P–73—Same (WKR45), Woodson Mountain, 7 miles west-southwest of Ramona, Calif. Latitude 33°00'31" N., longitude 116°58'15" W. C.P. to add frequency 3730H to San Diego, Calif. on azimuth 217°11'.

4394–C1–MP–73—Same (WOI55), modification C.P. to change 4265–C1–P–70 to change station location to 8933 Complex Drive, San Diego, Calif. Latitude 32°49'45" N., longitude 117°-07'55" W. Change frequency and point of communication to 4170H to Woodson Mountain, Calif. on azimuth 37°06'.

4395–C1–MP–73—Same (WOI84), Pinal Peak, 8.5 miles south-southwest of Globe, Ariz. Latitude 33°16'56" N., longitude 110°49'14" W. Modification C.P. 6738–C1–P–70 to change frequency and point of communication from 3970H to Mount Lemmon to 3870H to Mount Bigelow, Ariz., on azimuth 174°01'.

4396–C1–MP–73—Same (WOI85), modification C.P. to relocate station to Mount Bigelow, 18 miles northeast of Tuscon, Ariz. Latitude 32°24'56" N., longitude 110°42'49" W. Change frequency 4150V to 4070H toward Pinal Peak, Ariz. on azimuth 354°05'. Change azimuth to Tuscon, Ariz. to 232°03'.

4397–C1–MP–73—Same (WOI86), modification C.P. 6785–C1–P–70 to relocate station to 10th and Elm, Tuscon, Ariz. Latitude 32°14'31" N., longitude 110°58'30" W. Change point of communication to Mount Bigelow, Ariz. on azimuth 51°55'.

4398–C1–MP–73—Same (WOI90), modification C.P. 6789–C1–P–70 to relocate station to Escondido, 22 miles southeast of Orogrande, N. Mex. Latitude 32°07'21" N., longitude 105°51'40" W.

4399–C1–P–73—Same (New), station at Comanche Peak, 0.5 mile northwest of El Paso, Tex. Latitude 31°47'47" N., longitude 106°28'55" W. Frequencies 3990H to Escondido, N. Mex. on azimuth 58°12' and 11,665H to El Paso, Tex., on azimuth 152°30'. This relay station replaces a previously authorized passive reflector.

4400–C1–MP–73—Same (WOI91), 2137 Mills, El Paso, Tex. Latitude 31°46'20" N., longitude 106°28'02" W. Modification C.P. 6790–C1–P–70 to change frequency 3990H to 11,015H toward Comanche Peak, Tex. on azimuth 332°31'.

4402–C1–P–73—KHC Microwave Corp. (New), 3 miles southwest of Lake Charles, La. Latitude 30°09'54" N., longitude 93°15'18" W. C.P. for a new station. Frequencies 5945.2H MHz and 6004.5H MHz on azimuth 18°35' toward Gaytine, La.

4403–C1–P–73—Same (New), 3.7 miles west-northwest of Gaytine, La. Latitude 30°27'40" N., longitude 93°08'24" W. C.P. for a new station. Frequencies 6226.9V and 6286.2V MHz on azimuth 14°51' toward Dry Creek, La.

4404–C1–P–73—Same (New), 5.3 miles north of Dry Creek, La. Latitude 30°44'50" N., longitude 93°03'08" W. C.P. for a new station. Frequencies 5974.8V and 6034.2V MHz on azimuth 04°48' toward Fullerton, La.

4405–C1–P–73—Same (New), Fullerton, La. 11 miles east of Fort Polk, La. Latitude 31°02'15" N., longitude 93°01'26" W. C.P. for a new station. Frequencies 6226.9V and 6286.2V MHz on azimuth 19°07' toward Flatwoods, La.; frequencies 6226.9V and 6286.2V MHz on azimuth 292°44' toward Leesville, La.

4406–C1–P–73—Same (New), 2.5 miles north of Flatwoods, La. Latitude 31°25'06" N., longitude 92°52'12" W. C.P. for a new station. Frequencies 5974.8H and 6034.2H MHz on azimuth 98°29' toward Alexandria, La. (*Informative:* Applicant proposes to relay the signals of television stations KHTV (Channel 39) and KUHT (Channel 8), both Houston, Tex., from Lake Charles, La., to cable television systems serving Alexandria/Pineville, and Leesville, La. A waiver of section 21.701(j) of the FCC Rules is requested by United.)

4414–C1–P–73—Lafourche Telephone Co., Inc. (KKM32), Grand Isle (Jefferson Parish), La. Latitude 29°13'59" N., longitude 89°59'53" W. C.P. for a new station on frequency 2112.4V MHz toward Grand Terre, La.

4415–C1–P–73—Same (New), Grand Terre (Jefferson Parish), La. Latitude 29°17'08" N., longitude 89°55'48" W. C.P. for a new station on frequency 2162.4V MHz toward Grand Isle, La.

4416–C1–P/ML–73—Hawaiian Telephone Co. (KUQ93), C.P. and modification of license to add transmitters 5925–6425 and 10,700–11,700 located within the territory of Hawaii.

4409–C1–P–73—Northwestern Bell Telephone Co. (KBL99), 1.2 miles west of Hader, Minn. Latitude 44°21'45" N., longitude 92°49'58" W. C.P. to add frequency 6301.0H MHz toward East Owatonna, Minn.

4410–C1–P–73—Same (KBL83), 5 miles north-northeast of Rochester, Minn. Latitude 44°-05'37" N., longitude 92°29'15" W. C.P. to add frequency 11,245H MHz toward Rochester, Minn.; change frequency 5974.8 to 6063.8V MHz toward Hader, Minn.

4411–C1–P–73—Northwestern Bell Telephone Co. (KVU57), 200 Second Avenue SW., Rochester, MN. Latitude 44°01'19" N., longitude 92°27'54" W. C.P. to add frequency 11,075H MHz toward North Rochester, Minn.

4412–C1–P–73—Same (KYS96), 4.7 miles northeast of Owatonna, Minn. Latitude 44°06'53" N., longitude 93°08'35" W. C.P. to add frequency 11,245V MHz toward Owatonna, Minn.; frequency 6078.6H MHz toward Hader, Minn.

4413–C1–P–73—Same (KYS97), 216 South Cedar, Owatonna, Minn. Latitude 44°04'59" N., longitude 93°13'35" W. C.P. to add frequency 11.075V MHz toward East Owatonna, Minn.

4452–C1–P–73—Blackfoot Telephone Cooperative, Inc. (New), 50 miles southeast of Lolo Hot Springs, Powell Ranger Station, Idaho. Latitude 46°30'36" N., longitude 114°42'22" W. C.P. for a new station on frequency 2178H MHz toward Jay Point, Idaho via passive reflector.

4453–C1–P–73—Same (New), 5 miles east-southeast from Lolo Hot Springs, Point 118, Mont. Latitude 46°42'21" N., longitude 114°25'32" W. C.P. for a new station on frequency 2128H MHz toward Jay Point, Idaho via passive reflector; frequency 2120V MHz toward T.V. Mountain, Mont.

4448–C1–MP–73—CPI Microwave, Inc. (WPE59), One Shell Plaza, Houston, TX. Latitude 29°45'32" N., longitude 95°22'02" W. Modification C.P. to change antenna system, location and correct coordinates on frequency 5960.0H MHz toward Crosby, Tex.

4455–C1–P–73—The Mountain States Telephone & Telegraph Co. (KCO83), 3 miles southwest of Greeley, Colo. Latitude 40°23'10" N., longitude 104°44'13" W. C.P. to add frequency 2120.0V MHz toward Crow Valley Hill, Colo.

4456–C1–P–73—Same (New), 12 miles northwest of Briggsdale, Colo. Latitude 40°45'24" N., longitude 104°27'58" W. C.P. for a new station on frequency 2170.0V MHz toward Greeley Junction, Colo.; frequency 2162.0H MHz toward Grover, Colo.

4457–C1–P–73—Same (New), Ord Street and Cheyenne Avenue, Grover, Colo. Latitude 40°-52'06" N., longitude 104°13'28" W. C.P. for a new station on frequency 2112.0V MHz toward Crow Valley Hill, Colo.

4461–C1–AP–73—Madison Valley Telephone Co. (WJK79), application for consent to assignment from Madison Valley Telephone Co., assignor, to Hysham Telephone Co., assignee.

4428–C1–MP–73—CPI Microwave, Inc. (WPE35), modification C.P. to relocate station to One Main Place, Dallas, TX. Latitude 32°46'49" N., longitude 96°48'07" W. Add frequency 11,405H to Parkway Central, Tex., azimuth 266°00'. Change azimuth to Midlothian, Tex., to 204°18'.

4429–C1–MP–73—Same (WPE36), modification C.P. to relocate station to 4.2 miles south of Midlothian, Tex. Latitude 32°25'37" N., longitude 96°59'26" W. Change frequency 6404.8V to 6330.7V toward Midway, Tex., azimuth 182°18'. Change azimuth to Dallas, Tex., to 24°12'. Delete frequency 6212.0V to Fort Worth, Tex.

4430–C1–MP–73—Same (WPE37), modification C.P. to relocate station to Continental National Bank Building, Houston Avenue at Seventh Street, Fort Worth, Tex. Latitude 32°-45'08" N., longitude 97°19'52" W. Add frequency 11,245V to Parkway Central, Tex., azimuth 87°00'. Delete 6019.3V to Midlothian, Tex.

4431–C1–MP–73—Same (WPE39), station 2.7 miles west of Axtell, Tex. Latitude 31°39'20" N., longitude 96°59'49" W. Modification C.P. to change polarization of frequency 6404.8 to vertical toward Midway, Tex.

4432–C1–MP–73—Same (WPE40), modification C.P. to relocate station to Austin Avenue and North Ninth Street, Waco, Tex. Latitude 31°33'11" N., longitude 97°08'07" W. Change polarization of frequency -------- to horizontal toward Axtell, Tex.

4433–C1–MP–73—Same (WPE41), modification C.P. to relocate station to 5 miles west of Lott, Tex. Latitude 31°12'51" N., longitude 97°07'02" W. Change frequency from 6152.7H to 6137.9V toward Holland, Tex., azimuth 219°36'.

4434–C1–MP–73—Same (WPE42), modification C.P. to relocate station to 2.6 miles west of Holland, Tex. Latitude 30°52'13" N., longitude 97°26'54" W.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4435–C1–MP–73—Same (WPE43), modification C.P. to relocate station to 2.2 miles north of Cele, Tex. Latitude 30°28'21" N., longitude 97°31'15" W. Add frequency 10,955V to Austin, Tex., azimuth 225°08'. Delete frequency 6137.9V to Bastrop, Tex.

4436–C1–MP–73—Same (WPE49), modification C.P. to relocate station to 21st Avenue and Whitis Street, Austin, Tex. Latitude 30°16'59" N., longitude 97°44'28" W. Add frequencies 11,325V to Cele, Tex., azimuth 45°02', 6108.3H to Bastrop, Tex., azimuth 114°06', and 5960.0V to Driftwood, Tex., azimuth 233°41'. Delete frequency 6301.0V to Buda, Tex.

4437–C1–MP–73—Same (WPE45), modification C.P. to relocate station to 4.2 miles southeast of Driftwood, Tex. Latitude 30°04'07" N., longitude 98°04'39" W. Change frequency from 5989.7V to 6390.0H to Austin, Tex., azimuth 53°31'. Add frequency 6330.7H to New Braunfels, Tex., azimuth 205°33'. Delete frequency 6108.3V to Geronimo and Bastrop, Tex.

4438–C1–MP–73—Same (WPE46), modification C.P. to relocate station to Route 46, 8.5 miles west of New Braunfels, Tex. Latitude 29°46'04" N., longitude 98°14'35" W. Add frequencies 5989.7V to Driftwood, Tex., azimuth 25°28', and 5960.0H to San Antonio, Tex., azimuth 214°04'. Delete frequencies 6212.0H to Buda, Tex., and 6390.0V to Bracken, Tex.

4439–C1–MP–73—Same (WPE48), modification C.P. to relocate station to the corner of Hildebrand and Devine, San Antonio, Tex. Latitude 29°27'54" N., longitude 98°28'41" W. Add frequency 6330.7V to New Braunfels, Tex., azimuth 33°57'. Delete frequency 6330.7H to Bracken, Tex.

4440–C1–MP–73—Same (WPE44), station 3 miles east of Bastrop, Tex. Latitude 30°06'26" N., longitude 97°17'19" W. Add frequency 6330.7H to Austin, Tex., azimuth 294°19'. Delete frequencies 6390.0V to Buda, Tex., and 6271.4V to Cele, Tex.

4441–C1–MP–73—Same (WPE50), station 2.3 miles southeast of Giddings, Tex. Latitude 30°09'00" N., longitude 96°54'45" W. Modification C.P. to change polarization of frequency 6049.0 to vertical toward Welcome, Tex.

4442–C1–MP–73—Same (WPE51), modification C.P. to relocate station to 3.5 miles southeast of Wesley, Tex. Latitude 30°02'46" N., longitude 96°28'16" W.

4443–C1–MP–73—Same (WPE52), modification C.P. to relocate station to 4.6 miles east-southeast of Hempstead, Tex. Latitude 30°04'02" N., longitude 96°00'44" W. Change frequency 5945.2V to 5960.0V toward Rosehill, Tex., azimuth 90°50'.

4444–C1–MP–73—Same (WPE54), station 3 miles north of Spring, Tex. Latitude 30°07'19" N., longitude 95°25'34" W. Modification C.P. to change frequency 6137.9H to 6078.6H Rosehill, Tex.

4445–C1–MP–73—Same (WPE55), station 2 miles north-northeast of Crosby, Tex. Latitude 29°56'26" N., longitude 95°03'30" W. Modification C.P. to change polarization of frequency 6212.0 to horizontal toward Houston, Tex. Change frequency 6271.4H to 6360.3V toward Ames, Tex.

4446–C1–MP–73—Same (WPE57), modification C.P. to relocate station to 3 miles west-northwest of Sour Lake, Tex. Latitude 30°09'14" N., longitude 94°27'36" W.

4447–C1–MP–73—Same (WPE58), modification C.P. to relocate station to Orleans and Panin Streets, Beaumont, Tex. Latitude 30°04'55" N., longitude 94°05'53" W. Change frequency 6049.0V to 6108.3V toward Sour Lake, Tex., azimuth 283°02'.

4448–C1–MP–73—Same (WPE59), modification C.P. to relocate station to One Shell Plaza, Houston, TX. Latitude 29°45'32" N., longitude 95°22'02" W. Change polarization of frequency 5960.0 to horizontal toward Crosby, Tex.

4464–C1–AL–73—Cohasset Beach Telephone Co., Inc. (KPZ40), consent to assignment from the stockholders of Cohasset Beach Telephone Co., Inc., assignors, to stockholders of Continental Telephone Co. of the Northwest, Inc., assignee.

4465–C1–AL–(3)–73—Washington Telephone Co. (KOS64), consent to assignment from the stockholders of Washington Telephone Co., assignors, to the stockholders of Continental Telephone Co. of the Northwest, Inc., assignee. Stations: KOS64—Burlington, Wash.; KOS65—Concrete, Wash.; KYO91—Mount Vernon, Wash.

4473–C1–P–73—American Telephone & Telegraph Co. (KAL47), 0.5 mile east of Jackson, Mo. Latitude 37°23'12" N., longitude 89°38'46" W. C.P. to add frequency 3990H MHz toward Bloomfield, Mo.

4474–C1–P–73—Same (KAS40), 3 miles northeast of Bloomfield, Mo. Latitude 36°54'58" N., longitude 89°53'28" W. C.P. to add frequency 3950H MHz toward Cape Girardeau Junction, Mo.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4476–C1–MP–73—MCI New York West, Inc. (WLI70), John Hancock Building, 875 North Michigan Avenue, Chicago, IL. Modification C.P. to change radio path azimuth of frequencies 10,735H and 11,135H MHz toward new point of communication at Chicago, Ill. to 182°03'.

4477–C1–MP–73—Same (WLI71), modification C.P. to change station location to 200 Block of West 87th Street, Chicago, Ill. Latitude 41°44'08" N., longitude 87°37'52" W.; and to change radio path azimuth of frequencies 11,225H and 11,625H MHz toward Chicago, Ill. to 2°2' and frequencies 11,265V and 11,665V MHz toward new point of communication at Hammond, Ind. to 134°13'.

4478–C1–MP–73—Same (WLI72), modification C.P. to change station location to 3400 Block of Sheffield Avenue, Hammond, Ind. Latitude 41°38'59" N., longitude 87°30'49" W. and to change radio path azimuth of frequencies 10,775V and 11,175V MHz toward Chicago, Ill. to 314°18' and frequencies 10,735V and 11,135V MHz toward Gary, Ind. to 109°56'.

4479–C1–MP–73—Same (WLI73), station location: 504 Broadway Street, Gary, IN. Modification C.P. to change radio path azimuth of frequencies 11,225V and 11,625V MHz toward new point of communication at Hammond, Ind. to 290°3' and frequency 6226.9V MHz toward Portage, Ind. to 86°1'.

4480–C1–MP–73—Same (WLI74), modification C.P. to change station location to 2.1 miles north of Portage, Ind. Latitude 41°36'33" N., longitude 87°11'33" W. and to change radio path azimuth of frequency 5974.8V toward Gary, Ind. to 266°6'.

INFORMATIVE: The following applications are being submitted to request FCC authorization to replace existing transmitters from Collins type 52A8–MW and MW108D to Collins type MW–118. The emission designator changes from 25000F9 to 30000F9.

4497–C1–P–73—Wisconsin Telephone Co. (KSN96), Madison, Wis.
4498–C1–P–73—Same (KSN97), Blue Mounds, Wis.
4499–C1–P–73—Same (KSN98), Dodgeville, Wis.
4500–C1–P–73—Same (KSO25), Mohawk Valley, Wis.
4501–C1–P–73—Same (KSO26), Walker Corner, Wis.
4502–C1–P–73—Same (KSO27), Rising Sun, Wis.
4503–C1–P–73—Same (KSO28), La Crosse, Wis.

4504–C1–P–73—Racom, Inc. (KYZ85), Sargent's Purchase, Summit of Mount Washington, N.H. Latitude 44°16'13" N., longitude 71°18'13" W. C.P. to add point of communication on frequency 5960.0H MHz via power split toward Lancaster, N.H. (Applicant proposes to provide the signal of WSBK–TV of Boston, Mass. to Cypress Cable Corp., Paper City TV Division in Lancaster, N.H.)

INFORMATIVE: Western Tele-Communications, Inc. (WTCI) has filed two new specialized applications for Colorow Hill and Almagre Mountain, Colo. The frequencies and points of communications proposed in these new applications have been deleted from pending applications 8328 and 8329–C1–P–70 for these same two stations. These new applications will be associated with WTCI's San Francisco, Calif.-Colorado Springs, Colo. specialized proposal, 847/871–C1–P–71.

Since these new applications propose facilities previously included in applications 8328/8329–C1–P–70, the 30-day period specified by section 309(b) of the Communications Act does not apply.

4505–C1–P–73—Western Tele-Communications, Inc. (New), Colorow Hill, 2 miles southwest of Golden, Colo. Latitude 39°43'54" N., longitude 105°14'58" W. Frequency 6256.5V to Almagre Mountain, Colo., azimuth 168°06'.

4506–C1–P–73—Same (New), Almagre Mountain, 8 miles west of Broadmore, Colo. Latitude 38°46'25" N., longitude 104°59'30" W. Frequency 6034.2H to Colorow Hill, Colo., azimuth 348°16'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

Major Amendments

3357–C1–P–72—CPI Microwave, Inc. (New), San Antonio, Tex. C.P. for a new station. Change proposed station location to corner of Hildebrand and Devine, San Antonio, Tex. Change coordinates to latitude 29°27'54", longitude 98°28'41". Change frequency 6330.7V MHz to 6182.4H MHz and change frequency 6360.3H MHz to 6271.4V MHz, all to Floresville, Tex. Change azimuth to Floresville to 151°36'.

Major Amendments—Continued

3363-C1-P-72—Same as above (New), Bishop, Tex. Change polarity of frequencies 6212.0 and 6271.4 MHz to Falfurrios from horizontal to vertical, on azimuth 210°44'.

3364-C1-P-72—Same as above (New), Falfurrios, Tex. Change polarity of frequency 6078.6 MHz to Bishop from horizontal to vertical, on azimuth of 30°36'.

MULTIPOINT DISTRIBUTION SERVICE

4462-C5-P-73—Salinas Valley Radio Telephone Co. (New), Mount Toro, 10.3 miles south-southeast of Salinas, Calif. Latitude 36°31'46" N., longitude 121°36'24" W. C.P. for a new station on frequencies 2150.25V(Aural) and 2154.75V(Visual). (Primary service area: Monterey/Salinas, Calif.)

4463-C5-P-73—Multipoint Information Systems, Inc. (New), 2 miles west-southwest of East Sparta, Ohio. Latitude 40°40'16" N., longitude 81°24'00" W. C.P. for a new station on frequencies 2154.75(Visual) and 2150.25(Aural). (Primary service area: East Sparta, Ohio.)

4475-C5-P-73—Mr. Howard S. Klotz/Mr. William Corbus (New), 3522 East 112th Street, Tacoma, WA. Latitude 47°09'15" N., longitude 122°22'41" W. C.P. for a new station on frequencies 2154.75(Visual) and 2150.25(Aural). (Primary service area: Tacoma, Wash.)

[FR Doc.73-813 Filed 1-16-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. 143]

AMERICAN GENERAL INSURANCE CO.

Receipt of Application for Approval of Acquisition of Control of Gulf Coast Savings and Loan Association

JANUARY 12, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from American General Insurance Co., Houston, Tex., for approval of acquisition of control of the Gulf Coast Savings and Loan Association, Richmond, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a (e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the purchase for cash by the applicant of the stock of Gulf Coast Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before February 16, 1973.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-1030 Filed 1-16-73;8:45 am]

[H.C. 144]

GIBRALTAR FINANCIAL CORPORATION OF CALIFORNIA

Receipt of Application for Approval of Acquisition of Control of The United Savings and Loan Association

JANUARY 12, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Gibraltar Financial Corporation of California, Beverly Hills, Calif., a savings and loan holding company, for approval of acquisition of control of The United Savings and Loan Association, Porterville, Calif., an insured institution under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by an exchange of stock of Gibraltar Financial Corporation of California for stock of The United Savings and Loan Association. Following the proposed acquisition, Gibraltar Financial Corporation of California proposed to merge The United Savings and Loan Association into Gibraltar Savings and Loan Association, Beverly Hills, Calif., an insured subsidiary of Gibraltar Financial Corporation of California. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before February 16, 1973.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.73-1031 Filed 1-16-73;8:45 am]

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF/WEST COAST OF CENTRAL AMERICA AND MEXICO CONFERENCE 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 February 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Conferences in the trades to, from, and between U.S. Atlantic and Gulf ports and ports in Central and South America and the Caribbean.

Notice of agreements filed by:

C. D. Marshall, Chairman, Associated Latin American Freight Conferences, 11 Broadway, New York, NY 10004.

A petition filed in behalf of the conferences listed below, has been assigned the following respective agreement numbers:

Atlantic and Gulf/West Coast of Central America and Mexico Conference	8300-12
Atlantic and Gulf/West Coast of South America Conference	2744-34
East Coast Colombia Conference	7590-20
Leeward and Windward Islands and Guianas Conference	7540-23
United States Atlantic and Gulf-Haiti Conference	8120-15
United States Atlantic and Gulf-Jamaica Conference	4610-20
United States Atlantic and Gulf-Venezuela and Netherlands Antilles Conference	6190-27
United States Atlantic and Gulf-Venezuela and Netherlands Antilles Conference-Oil Companies Contract Agreement (Proprietary Cargo)	6870-15
West Coast South America Northbound Conference	7890-9

In Docket No. 69-33, served December 16, 1969, the above conferences were given authority by the Commission to include provisions in their basic agreements authorizing them to agree to and establish through intermodal arrangements with other modes of transportation for a period of 18 months, subject to the proviso that if during the first 12 months of approval no results were achieved from negotiations by the conferences, then the individual members were free to enter into their own negotiations.

Agreements, modified to conform to the conditions of the above order, were filed and became effective February 12, 1970. Because of the 18-month approval period, the modifications were scheduled to terminate on August 12, 1971. Based on a petition for extension, the modifications were extended by the Commission for a further period of 18 months until February 12, 1973.

The present petition is for an extension of the above modifications for a period of 2 years until February 12, 1975.

Dated: January 11, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1009 Filed 1-16-73;8:45 am]

BALTIMORE INTERNATIONAL TRANSPORT INC. ET AL.

Applicants for Independent Ocean Freight Forwarder License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Baltimore International Transport, Inc., 432 East Patapsco Avenue, Baltimore, MD 21225.

Officers. John L. Alvey, President; Thelma E. Alvey, Secretary/Treasurer; Lawrence H. Rushworth, Vice President; Antonio I. Pelina, Vice President/Manager.

David Wesley Shenk, doing business as David W. Shenk & Co., 10910 South La Cienega Boulevard, Inglewood, CA 90304.

Gerald Schwartz, 1488 East 16 Street, Brooklyn, NY 11230.

Nelson J. Cabrera, doing business as Nelson's Forwarding Co., 151 Hialeah Drive, Hialeah, Fla.

Charles Hayat, 99-32 66th Road, Rego Park, NY 11374.

Bernardo Diaz, 18621 Southwest 92d Avenue, Miami, FL 33157.

Cleveland-Air Specialists, Inc., 575 Connecticut Avenue, Post Office Drawer 431, Norwalk, Conn. 06852.

Officers. Paul K. Cleveland, Chairman/Board; David A. Cleveland, President; Paul F. Cleveland, Secretary; Anthony DeMartino, Vice President/Treasurer.

Dated: January 12, 1973.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1011 Filed 1-16-73;8:45 am]

PACIFIC/INDONESIAN CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, 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 February 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. E. Spaulding, Secretary, Pacific/Indonesian Conference, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 6060-F between the member lines of the Pacific/Indonesian Conference and States Steamship Co. is an arrangement providing for the admission and participation of States Steamship Co. as an associate member of the Conference.

Dated: January 11, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1010 Filed 1-16-73;8:45 am]

[Docket No. 73-1; PMC-F No. 1]

PAN AMERICAN EXPRESS CO. INC.

Order of Investigation and Suspension Regarding Establishment of Service Between the Port of New York and Puerto Rico

On December 13, 1972, Pan American Express Co., Inc. (PAE) filed with the Federal Maritime Commission its Tariff FMC-F No. 1 providing for the establishment of a service between the Port of New York and Puerto Rico. PAE is a new nonvessel operating common carrier (NVO) and intends to carry household goods as its principal commodity. The tariff is scheduled to become effective on January 12, 1973.

Review of the proposed rates in the tariff reveals that they are substantially higher in some instances than those of other NVO's serving the New York/Puerto Rico trade. Household goods and related items are specific examples of these higher rates. Because the rates are in excess of those of carriers providing a comparable service, they do not meet the guidelines set forth in amendment 2 to the Commission's General Order 28 (46 CFR 548.3(b)(5)). In view of these facts, the Commission believes that justification of the rates is necessary before they may be certified to the Price Commission.

A second problem exists with various provisions in the tariff which purport to limit PAE's liabilities to shippers for loss, damage and/or detention of cargo. On page 21, Rule 90, section B provides:

> On shipments consigned to Pan American Express Co. Inc. at port of destination, where Pan American Express Co. Inc. is to deliver the property to another carrier to continue the transportation, Pan American Express Co. Inc. shall not be liable for loss or damage occurring after such delivery nor for detention after having tendered the property to such other carrier. On any freight having prior or subsequent transportation prior to being given to Pan American Express Co. Inc. the liability of Pan American Express Co. Inc. will not exceed 33⅓ percent of the amount of damage.

In addition thereto, the sample bill of lading/household goods contract furnished as page 7 of the tariff provides as one of its terms and conditions:

> 2. If the company has not an agency at the point of destination, it shall forward the property to its agency nearest or most convenient thereto, and there notify the consignee, or deliver the property to some other carrier to continue the transportation. The company shall not be liable for loss or damage occurring after such delivery nor for detention after having tendered the property to another carrier.

The Commission is of the opinion that the above provisions are at best ambiguous and may be contrary to law and to the public interest by attempting to remove some of the responsibility PAE undertakes as a common carrier.

Another condition on the above-mentioned bill of lading/household goods contract states that:

> 6. Any claim arising out of the shipment evidenced by this receipt must be made in the presence of the chauffeur, same day of delivery.

This condition appears to be not only unreasonable on its face but also in conflict with the provisions of the tariff's own rule 90, sections G and H, relating to "Liability for Carriage and Value."

In the carrier's sample bill of lading attached as page 6 to the subject tariff, another conflict arises with respect to the conditions governing shipments thereunder. The fine print on that bill of lading provides that:

> This bill of lading shall have effect subject to all of the terms, conditions and provisions governing all shipments as set forth in governing tariffs in effect on date of shipments with the Federal Maritime Board by Allied Marine Corporation. Said terms, conditions, and provisions shall be deemed to be incorporated herein by reference * * *.

This is apparently a clerical error but a rather serious one since neither the Federal Maritime Board nor Allied Marine Corporation are now in existence.

Upon consideration of the above matters, the Commission is of the opinion that the subject tariff should be made the subject of a public hearing to determine

whether the rates, provisions, and conditions contained therein are unjust, unreasonable and/or unlawful under sections 18(a) and 22 of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing, therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said tariff matter for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that PAE's Tariff FMC–F No. 1 is changed, amended or reissued, such changes will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, PAE's Tariff FMC–F No. 1 is hereby suspended and the use thereof deferred to and including May 11, 1973 unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with this Commission by Pan American Express Co., Inc. a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until May 12, 1973 unless otherwise authorized by this Commission and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by this Commission;

It is further ordered, That as part of this investigation, a determination shall be made as to whether this tariff, and the rates, provisions and conditions contained therein are just, reasonable and lawful under section 18(a) of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Pan American Express Co., Inc. be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That the provisions of rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding is similarly waived;

It is further ordered, That (I) a copy of this order be forthwith served upon respondent herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (II) the respondent and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding, and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-1012 Filed 1-16-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-6]

AEROSPACE SAFETY ADVISORY PANEL

Notice of Meeting

Meeting of Aerospace Safety Advisory Panel, January 19, 1973, NASA Headquarters; Room 7002, Capacity—60, 400 Maryland Avenue SW., Washington, DC.

The Panel is to review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards, and shall perform such other duties as the Administrator may request.

Pursuant to carrying out its statutory duties, the Panel will review, evaluate, and advise on those program management policies, management systems, procedures, and practices that contribute to risk identification and assessment by management. Priority shall be given to those programs that involve the safety of manned flight.

The chairman of the Panel is Lt. Gen. Carroll H. Dunn, USA. The other members are Dr. Harold M. Agnew, Hon. Frank C. Di Luzio, Dr. Charles D. Harrington, Dr. John A. Hornbeck, Mr. Bruce T. Lundin, and Dr. Henry Reining, Jr.

The contact for further information is Carl R. Praktish, Executive Secretary, Aerospace Safety Advisory Panel, 400 Maryland Avenue SW., Washington, DC 20546 (phone: area code 202, 755–8436).

The Panel will convene at 10 a.m. to discuss with the Deputy Administrator a summary of its factfinding activities and the resultant conclusions and recommendations on the Skylab program. At that time, the Panel will present its written report to the Administrator for further detailed consideration. The Deputy Administrator will then discuss with the Panel its future tasks. The Panel will begin to act upon these assignments by planning the appropriate factfinding activities. The meeting will continue as long as necessary to accomplish its purpose.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

JANUARY 11, 1973.

[FR Doc.73-952 Filed 1-16-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

JANUARY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03, one-third par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 7, 1973 through January 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-967 Filed 1-16-73;8:45 am]

[70-5293]

CONSOLIDATED NATURAL GAS CO. ET AL.

Request for Exemption from Tax Allocation Requirements

JANUARY 10, 1973.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, NY, 10020, a registered holding company, and two of its wholly owned nonutility subsidiary companies, CNG Development Co. Ltd. (CNG Ltd.) and CNG Producing Co (CNG Co.) Four Gateway Center, Pittsburgh, PA, 15222, have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act) designating sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All

interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Consolidated and its subsidiary companies join annually in filing a consolidated Federal income tax return. The present declaration states that, under the circumstances hereinafter set forth, certain inequities in the allocations of the group's consolidated income tax liabilities would result if the allocation were effected pursuant to the exemptive provisions of Rule 45(b)(6) under the Act; and in accordance with subparagraph (a) of Rule 45 declarants request authorization for the tax years 1972 and 1973 to allocate consolidated Federal income taxes in a manner other than prescribed by Rule 45(b)(6).

In 1972, Consolidated organized CNG Ltd., an Alberta (Canada) corporation, and CNG Co., a Delaware corporation, for the purpose of engaging in the exploration and development of Canadian natural gas reserves and supplies in an effort to obtain future supplies of gas for the Consolidated system; and in connection therewith Consolidated was authorized to acquire, for cash, shares of capital stock of these companies to finance such activities. (See Holding Company Act Release Nos. 17559 and 17813, issued May 1, 1972 and Dec. 19, 1972, respectively.) These exploration and development activities, it is stated, require substantial amounts of capital, and it may take several years before newly discovered gas reserves can be transported to market and sold. In addition, CNG Co. is participating in the further development of domestic supplies of gas, the particulars of which will be the subject of a separate filing with the Commission.

With respect to their Canadian activities, the filing states that in the years 1972 and 1973, CNG Ltd. and CNG Co. will have invested an estimated aggregate of $15,500,000; that this is expected to result in aggregate deductible tax losses for those years amounting to approximately $12,775,000 for dry hole and intangible drilling costs; that such losses, in turn, will be included in the consolidated tax returns, giving rise to reductions of $2,200,000 and $4 million in the consolidated tax liabilities of 1972 and 1973, respectively; and that in the year 1974 similarly generated tax losses (with commensurate savings in consolidated taxes) are estimated at $10,100,000. Under the tax allocation provisions of Rule 45(b)(6), these tax savings would flow to the other companies in the consolidated tax group and would thereby be rendered unavailable to CNG Ltd. and CNG Co. for use in their exploration and development activities.

It is further stated that but for certain legal and other disqualifying barriers, the System's exploration and development efforts in Canada would have been undertaken directly by Consolidated Gas Supply Corp. (Supply Corp.), Consolidated's principal gas supply subsidiary company; that Supply Corporation, having taxable income, could thereby have utilized tax losses from the Canadian operations and would thus have had the resultant tax-savings funds available for use in future exploration and development of gas supplies; but that, since CNG Ltd. and CNG Producing had to be formed for the Canadian operations, the tax-loss benefits from their operations would instead be diverted to companies other than these two producing companies in the consolidated tax group under the provisions of Rule 45(b)(6).

For the foregoing reasons, in order to avoid claimed inequities which would otherwise result, declarants seek authorization pursuant to Rule 45(a) to allocate consolidated taxes applicable to the years 1972 and 1973 in a manner other than prescribed by Rule 45(b)(6). The authorization sought would, in effect, grant CNG Ltd. and CNG Co. tax credits for the reduction of consolidated Federal income taxes in those 2 years resulting from tax losses incurred by them as a result of their exploration and development programs. This would be effectuated in accordance with the following procedure:

1. When the operations of any producing subsidiary company, direct or indirect, of Consolidated results in a tax loss, then the consolidated Federal income tax to be allocated among the System companies would be based upon the tax that would result had the company incurring the loss been excluded from the consolidated Federal income tax return.

2. The funds retained by virtue of the reduction in tax resulting from inclusion of that tax loss in the consolidated Federal income tax return would be remitted to the company or companies sustaining such tax loss.

3. In future years, when any such producing company has taxable income, it may be entitled to tax credits as a result of the net operating loss carryback and carryover provisions of section 172(b) of the 1954 Internal Revenue Code, in order to comply with the separate return limitations required by Rule 45(b)(6). Any credits remitted under paragraph 2 would be applied to reduce any credits in future years to which such company may become entitled under the separate return limitations of Rule 45(b)(6).

4. Subject to paragraph 3, in no event will the tax allocated to any subsidiary company of Consolidated exceed the amount of tax of such company computed as if such company had always filed its tax returns on a separate return basis.

5. For purposes of the consolidated income tax regulations, CNG Ltd. is regarded as a domestic corporation. Accordingly, CNG Ltd. will be treated as such for purposes of the proposed tax allocation under Rule 45.

Fees and expenses to be incurred in connection with the proposed transactions are estimated to be $3,250, including $1,000 payable to Consolidated Natural Gas Service Co., Inc., a service company subsidiary of Consolidated, for services rendered on a cost basis. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 5, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1020 Filed 1-16-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corporation, and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 10, 1973 through January 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-966 Filed 1-16-73;8:45 am]

[812-3305]

CORPORATE INVESTMENT TRUST FUND, FIRST MONTHLY PAYMENT SERIES (AND SUBSEQUENT SERIES)

Application for Exemption

JANUARY 9, 1973.

Notice is hereby given that Corporate Investment Trust Fund, First Monthly Payment Series (And Subsequent Series) (Applicant) c/o Bache & Co. Inc., 100 Gold Street, New York, NY 10038, a unit investment trust registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act and Rule 22c–1 under the Act and pursuant to section 45(a) of the Act for an order of the Commission granting confidential treatment to the profit and loss statements of Bache & Co. Inc., the Sponsor (Sponsor) of Applicant, which statements Applicant has filed or may from time to time file with its registration statements under the Securities Act of 1933. 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 includes Corporate Investment Trust Fund, First Monthly Payment Series and all subsequent series of Corporate Investment Trust Fund. Each series will be governed by trust instruments under which Bache & Co. Inc., and possibly others, will act as Sponsor, the United States Trust Company of New York will act as Trustee and New England Merchants National Bank will act as Co-Trustee. The trust instruments for all series will contain similar terms and conditions of trust. Pursuant to such trust instruments, the Sponsor will deposit with the Trustee a portfolio of corporate debt obligations (the Obligations). Simultaneously with such deposit of the portfolio the Sponsor will receive from the Trustee registered certificates evidencing units of undivided interest in the Trust Fund portfolio of a series. Applicant alleges that at this point the Trust is in existence and the duties of the Depositor, Sponsor, Trustees and Evaluator are governed by the Trust Agreement and Indenture. On the date of deposit of the portfolio securities for the First Monthly Payment Series, and before any unit of that Series is offered to the public, Applicant will have a net worth of approximately $40 million represented by the market value of the Obligations deposited with the Trustee on that date. While the size of the portfolios of future series has not been established, the Sponsor anticipates that in no event would the portfolio of any series be less than $5 million. Applicant proposes to offer the units of the First Monthly Payment Series of the Trust Fund for sale to the public and for this purpose registration statements under the Securities Act of 1933 and the Investment Company Act have been filed with the Commission. After the Sponsor has deposited the portfolio with the Trustee, and the Trust is in existence, an amendment to the registration statement under the Securities Act of 1933 will be filed. Upon the effectiveness of such registration statement, the units will be offered to the public by means of the final prospectus. The trust instruments do not provide for the issuance of additional units.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make a public offering of its securities unless either (i) such company has a net worth of at least $100,000 or (ii) provision is made as a condition of registration of its securities under the Securities Act of 1933 which adequately insures, in the opinion of the Commission, (A) that after the effective date of such registration statement such company will not issue any security or receive any proceeds of any subscription until not more than 25 responsible persons have made agreements to purchase securities in an aggregate net amount which will give the company a net worth of at least $100,000; (B) that said amount will be paid into such company before subscriptions will be accepted from any persons in excess of 25; (C) that arrangements will be made whereby any amount so paid in, as well as any sales load, will be refunded to any subscriber on demand in the event the net proceeds so received by the company do not result in the company having a net worth of at least $100,000 within 90 days after such registration statement becomes effective.

The application also seeks an order pursuant to section 6(c) of the Act exempting the secondary market operations of Applicant's Sponsor from the provisions of Rule 22c–1 under the Act. The Sponsor proposes to adopt the practice of valuing Applicant's units, for repurchase and resale by the Sponsor in the secondary market, at prices computed once a week as of the close of business on the last business day of the week, effective for all transactions made during the following week.

The trust instruments provide that Applicant's units may be tendered by the unit holders to the Trustee for redemption. The unit holder will receive cash from the Trust Fund on the basis of the current bid side evaluation of the Obligations forming the portfolio of the Trust Fund. Applicant's Sponsor intends (though it will not be obligated) to maintain a secondary market for the Trust Fund and continuously to offer to repurchase units from holders at a price which is based upon the offering side prices of the portfolio securities of the Trust Fund.

In addition, the Sponsor will resell units at a public offering price based upon the offering side evaluation prices of the underlying certificates plus a sales charge of 3½ percent of the public offering price. To avoid the Sponsor receiving more than the specified sales charge on the resale of the units, the Sponsor undertakes not to resell any units which it purchases at a price below the then current offering side evaluation. Both the repurchase and resale prices are to be computed as of the close of business on the last business day of each week and will be effective for all purchases and sales by the Sponsor during the following week. The evaluation is made by Applicant's Evaluator, Interactive Data Services, Inc., the successor to the pricing business of Standard & Poor's Corp.

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to repurchase or sell such security.

Applicant asserts that the pricing by the Sponsor in the secondary market in no way affects Applicant's assets, and that the public unit holders benefit from such pricing procedure by receiving a normally higher repurchase price for their units without the cost burden of daily evaluations of the unit redemption value. In addition, the application states that the Sponsor has undertaken to adopt a procedure whereby the evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a purchase by the Sponsor, if the Evaluator cannot state that the bid side evaluation is not higher than the previous Friday's bid side evaluation, the Sponsor will order a new bid side evaluation for the purpose of such repurchase. In the case of sale by the Sponsor, if the Evaluator cannot state that the previous Friday's offering said evaluation is no more than one-half point ($5 on the purchase of a unit representing $1,000 face amount of underlying securities) greater than the current offering side evaluation, a full evaluation will be ordered. Applicant asserts that this procedure will minimize the risk to the selling holders of the units without imposing the expense of daily evaluations upon the Trust Fund's investors.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act or of any rules or regulations under the Act, if and to the extent 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.

Applicant also seeks an order of the Commission pursuant to section 45(a) of the Act granting confidential treatment to the profit and loss statements of Bache & Co., Inc., the Sponsor, submitted in connection with registration statements of Corporate Investment Trust Fund, First Monthly Payment Series, filed with the Commission from time to time.

When a determination has been made by the Sponsor to offer a new series of the Trust Fund, the Sponsor will prepare and file with the Commission registration statements under the Act and the Securities Act of 1933. It is contemplated that current profit and loss statements of the Sponsor will be filed in connection with the registration statements of new series. The application requests confidential treatment for such statements and subsequent profit and loss statements which Applicant has filed or may from time to time file with the Commission.

Section 45(a) of the Act provides in pertinent part that information filed with the Commission "shall be made available to the public, unless and except insofar as the Commission * * * by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors."

Applicant submits that public disclosure of the Sponsor's profit and loss statements is neither necessary nor appropriate in the public interest or for the protection of investors. As stated above, Applicant alleges that after the securities forming the portfolio of the Trust Fund are deposited with the Trustee, the Trust is then in existence and the duties of the Depositor, Sponsor, Trustee, and Evaluator are governed by the Trust Agreement and Indenture. Investors in the Trust Fund are not offered an opportunity to acquire any interest whatsoever in the Sponsor. Apart from the Sponsor's minimal obligation under the trust instruments to designate obligations for liquidation and purchase by the Trustee to the extent necessary to provide funds for redemption (which obligation may be performed by the Trustee if not performed by the Sponsor), and certain other contingent supervisory responsibilities, the Sponsor has virtually no discretionary authority relating to the management of the Trust Fund. Applicant states that the Sponsor thus functions primarily as underwriter of the Trust Fund. Applicant asserts that there is no legitimate interest on the part of investors in the public disclosure of the profit and loss statements of the Sponsor, acting as underwriter from whom the units are purchased.[1]

In addition, Applicant submits that to the extent that the Sponsor's solvency may conceivably be thought relevant to the maintenance of the secondary market in the units of the Trust Fund, the Sponsor's statements of financial condition, which appear in the prospectus, contain adequate information in this regard. Moreover, there is clear disclosure in the prospectus of the Sponsor's right to terminate secondary market activities in a Trust Fund at any time. Even in the absence of a secondary market, unit holders nevertheless retain the protection of their right under the trust instruments to the redemption of their units upon presentation of such units to the Trustee. Upon such redemption, the unit holders receive cash equal to the "unit value" of the units computed with regard to the underlying assets of the Trust Fund. The soundness of the investors' interests in the Trust Funds, it is stated, is solely a function of the value of the underlying obligations. Applicant thus represents that the profitability of the Sponsor will in no way enhance or diminish the prospect for an orderly payment of the underlying Obligations.

Notice is further given that any interested person may, not later than January 25, 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 the Applicant at the address set forth 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.73-961 Filed 1-16-73;8:45 am]

[1] The Sponsor, Bache & Co., Inc., is subject to the reporting requirements of section 15(d) of the Securities Exchange Act of 1934. See Registration Statement on Form S-1 of Bache & Co., Inc., File No. 2-41299.

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

JANUARY 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 9, 1973, through January 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-970 Filed 1-16-73;8:45 am]

[File No. 500-1]

DCS FINANCIAL CORP.

Order Suspending Trading

JANUARY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of DCS Financial Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 8, 1973 through January 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-968 Filed 1-16-73;8:45 am]

[70-5291]

DELMARVA POWER & LIGHT CO.

Proposed Amendment of Articles of Incorporation

JANUARY 8, 1973.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 800 King Street, Wilmington, DE 19899, a registered holding company and an electric and gas utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 12(e), and 20 of the Act and Rules 20, 21, 22, 23, 24, and 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva's certificate of incorporation (Charter) at present prohibits the company, except with the consent of the holders of a majority of its outstanding preferred stock, to incur unsecured indebtedness if immediately thereafter the company's total unsecured indebtedness would exceed 10 percent of the sum of secured debt, capital stock and premiums thereon, and surplus (hereinafter referred to as "other capitalization"). Delmarva proposes to amend its Charter to permit issuance of unsecured debt with-

out further consent of the preferred stockholders if immediately after such issue (1) the total outstanding principal amount of all unsecured debt will thereby not exceed 20 percent of its other capitalization, or (2) the total outstanding principal amount of all unsecured debt with maturities of less than 10 years will thereby not exceed 10 percent of its other capitalization. The proposed provisions governing the incurrence of unsecured indebtedness will be consonant with the related standards set forth in the Commission's statement of policy with respect to preferred stock.

An affirmative vote of the holders of at least a majority of the 13,539,879 presently outstanding shares of common stock and at least two-thirds of the 900,000 presently outstanding shares of preferred stock (each group voting separately as a class) is required for adoption of the proposed amendment.

Since a favorable vote on the above proposal would still limit its short-term unsecured debt to 10 percent of other capitalization, Delmarva also proposes to seek the authorization of its preferred stockholders to increase the amount of short-term unsecured indebtedness from 10 percent to 20 percent of other capitalization until June 30, 1977, and then only for unsecured debt maturing before January 1, 1978; provided, that total unsecured debt (short-term and long-term) shall not exceed 20 percent of other capitalization. An affirmative vote of the holders of at least a majority of the outstanding shares of preferred stock is required for passage of this proposal.

Delmarva also proposes to solicit proxies from the holders of its outstanding preferred and common stocks in connection with the annual meeting of stockholders scheduled to be held on April 17, 1973, at which action is to be taken with respect to the foregoing proposals.

Delmarva states that the foregoing proposals are desirable in order to give the company greater flexibility in connection with its needs over the next few years to finance large amounts of new funds required to meet the construction program undertaken to fulfill the increasing public demand for power.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. No fees or commissions are to be paid in connection with the proposed transactions. Expenses will consist only of ordinary expenses in connection with preparing, assembling, and mailing proxies, proxy statements, and accompanying data.

Notice is further given that any interested person may, not later than January 31, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or in case of an attorney at law by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-962 Filed 1-16-73;8:45 am]

[70-5289]

DELMARVA POWER & LIGHT CO.

Proposed Amendments of Mortgage and Solicitation of Consents

JANUARY 8, 1973.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 800 King Street, Wilmington, DE 19899, a registered holding company and an electric and gas utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 12(e), and 20 of the Act and Rules 20, 21, 22, 23, 24, 62, and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva proposes to amend the provisions of its mortgage and deed of trust (Mortgage), dated October 1, 1943, to include as bondable property additional property for which Delmarva does not have all necessary permission from governmental authorities to operate, but which otherwise would constitute bondable property additions. An affirmative vote of the holders of not less than 75 percent in aggregate principal amount of first mortgage and collateral trust bonds outstanding under the mortgage is required for the adoption of the proposed amendments. Delmarva also proposes the solicitation of such consents by mail, by officers and employees of Delmarva, by The First Boston Corp., and by Georgeson & Co., acting on behalf of the company. Upon receipt of the required number of consents, a supplemental indenture to the Mortgage would be executed setting forth the proposed amendments.

It is stated that the regulations of the Delaware Department of Natural Resources and Environmental Control prohibit the operation of new plant facilities without an operating permit, and that similar regulations have been adopted by the Atomic Energy Commission for nuclear power plants. The Mortgage presently requires Delmarva to have all governmental authority necessary to acquire, own, and operate property additions before bonds can be issued against the property additions. Therefore, so long as the Mortgage in that respect remains unchanged, Delmarva states that it is unable to use investment in facilities under construction as a basis for the sale of additional bonds until the facilities are in operation. Delmarva states further that it has been advised by The First Boston Corp., an investment banking firm, that unless the proposed amendments are adopted Delmarva could incur materially higher financing costs in constructing such facilities; and Delmarva believes that such higher financing costs together with impairment of its flexibility to finance expansion with long-term funds would not be in the best interests of the company or its security holders.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $180,000, including counsel fees of $10,000, trustee and trustee's counsel expenses of $55,000, and fees of $100,000 for the solicitation of consents.

Notice is further given that any interested person may, not later than January 26, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or in case of an attorney at law by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in this matter, including the date of the

hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

RONALD F. HUNT,
Secretary.

[FR Doc.73-963 Filed 1-16-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

JANUARY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 6, 1973, through January 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-971 Filed 1-16-73;8:45 am]

[812-3255]

FUND A PARTNERSHIP

Filing of Application Regarding Joint Enterprise

JANUARY 8, 1973.

Notice is hereby given that Fund A Partnership (Fund A), a New York general partnership formed by Arthur Andersen & Co. (Arthur Andersen), 69 West Washington Street, Chicago, IL 60602, and registered as a nondiversified open-end investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 17(d) of the Act and Rule 17d-1 under the Act for an order permitting Goldman, Sachs & Co., Fund A's portfolio manager to serve as portfolio manager for Arthur Andersen's Fund A-Offshore Partnership (Fund A-Offshore) and execute combined orders for purchases and sales of portfolio securities of the respective funds. 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.

As of December 31, 1971, the business of Arthur Andersen, one of the leading U.S. accounting firms, was managed by 542 general partners, all of whom are U.S. residents, and an additional 43 "participating principals" and 157 "overseas representatives." Participating principals and overseas representatives occupy positions substantially equivalent to partners; they make noninterest bearing subordinated loans to Arthur Andersen in lieu of capital contributions, receive participations in partnership income (but do not share in losses), and have drawing accounts, as do general partners. Participating principals operate in the administrative services area of Arthur Andersen; they are not certified public accountants, and, therefore, may not, under various State statutes, be members of an accounting firm. Arthur Andersen's overseas representatives perform functions outside the United States similar to those performed by partners or participating principals in the United States; they are citizens and residents of foreign countries.

Fund A, a New York general partnership registered as a nondiversified open-end no-load investment company of the management type under the Act, invests, through its portfolio manager, Goldman, Sachs & Co., in readily marketable securities with the investment objective of long-term capital growth. Arthur Andersen formed Fund A for the purpose of providing a vehicle for investment by Arthur Andersen partners, participating principals and overseas representatives, permitting them to pool their investment resources in a manner which does not present problems as to the independence, reputation and business of Arthur Andersen, as an international accounting firm. Arthur Andersen has borne the costs of forming Fund A and has borne and will continue to bear the costs of registering its partnership interests under the Securities Act of 1933. There is no "sales load" on the sale of partnership interests; nor is there any charge for redemption of partnership interests.

Despite the initial intent of Arthur Andersen to make this investment vehicle available to all of its partners, participating principals and overseas representatives, overseas representatives who were neither citizens nor residents of the United States have not purchased partnership interests in Fund A due to the adverse tax consequences to foreign persons of such an investment (e.g., the payment of U.S. capital gains tax). Consequently, in order to permit these overseas representatives to pool their investment resources in the same manner as Arthur Andersen partners and participating principals, Arthur Andersen proposes to form a general partnership under the laws of Bermuda, Fund A-Offshore, whose partnership interests would be offered solely to overseas representatives of Arthur Andersen.

Fund A-Offshore would be organized and domiciled outside of the United States having its principal offices, maintaining its books and records and holding its partnership meetings outside of the United States; however, Fund A-Offshore would maintain a duplicate set of its books and records in the United States, which, upon request, would be made available to the Commission for inspection. The Fund A-Offshore partnership agreement and offering circular would be substantially identical to Fund A's partnership agreement and Prospectus, with the exception of the reference in the Prospectus to Fund A's being a registered investment company. The investment policies of Fund A-Offshore would be identical to those of Fund A. As in the case of Fund A, Arthur Andersen would bear the costs of forming Fund A-Offshore. There would be no "sales load" on the sale of partnership interests to the overseas representatives; nor would there be any charge for the redemption of partnership interests.

It is proposed that the portfolio of Fund A-Offshore would be managed by Goldman, Sachs & Co. which, it is contemplated, may execute combined orders for portfolio purchases and sales of securities for Fund A and Fund A-Offshore. Consequently, the provisions of section 17(d) of the Act and of Rule 17d-1 thereunder may be viewed as applicable to such combined transactions if Goldman, Sachs & Co.'s purchases and sales for both Fund A and Fund A-Offshore is deemed to create a "joint enterprise" between Applicant and Fund A-Offshore. Thus, Fund A has filed an application for the purpose of obtaining an order of the Commission to permit Goldman, Sachs & Co. to serve as portfolio manager for both Fund A and Fund A-Offshore, and to execute combined orders for purchases and sales of portfolio securities of the respective funds.

Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company * * * acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement or profitsharing plan in which any such registered company is a participant and which is entered into, adopted, or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise arrangement or profitsharing plan has been filed with the Commission and has been granted by an order entered * * * prior to such adoption or modification * * *." It is also provided that in passing upon such application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement, or profitsharing plan on the basis proposed is consistent with the provision, policies, and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than, that of other participants.

Fund A submits that Goldman, Sachs & Co.'s execution of combined orders for Fund A and Fund A-Offshore is consistent with the provisions, policies, and purposes of the Act and will not be on a basis different from or less advantageous to Fund A than to Fund A-Offshore, for the following reasons:

(a) Concurrent purchases by the applicant and Fund A-Offshore of the same securities (including subsequent exercise of accompanying warrants, conversion privileges, or other rights to acquire secu-

rities) will be allocated by Goldman, Sachs & Co. between applicant and Fund A-Offshore in such a manner that the securities purchased for each account will constitute approximately the same percentage of total assets of each respective account, subject to necessary adjustments resulting from differing amounts of cash and cash equivalents in the applicant and the Fund A-Offshore. Furthermore, the net unit purchase price to the applicant and Fund A-Offshore for the securities so acquired shall, as nearly as practicable, be equal, with neither account receiving more favorable treatment than the other.

(b) Concurrent sales by applicant and Fund A-Offshore of securities held in the portfolios of both applicant and Fund A-Offshore will be allocated by Goldman, Sachs & Co. between applicant and Fund A-Offshore in proportion to the value of such securities in their respective accounts so that each account will be selling approximately the same percentage of such securities held in its portfolio. Furthermore, the net unit sales price to be received by applicant and Fund A-Offshore for the securities so sold shall, as nearly as practicable, be equal, with neither account receiving more favorable treatment than the other.

(c) Fund A-Offshore will pay its proportional share of the portfolio management fee to Goldman, Sachs & Co. based upon the value of its portfolio. The portfolio management fee payable by Fund A will not be adversely affected by the creation of Fund A-Offshore.

(d) Fund A will bear none of the costs in the formation or operation of Fund A-Offshore.

(e) A duplicate set of the books and records of Fund A-Offshore will be maintained in the United States and will be available for inspection by the Commission upon request.

Furthermore, Fund A asserts that Goldman, Sachs & Co.'s management of the portfolios of Fund A and Fund A-Offshore, including its ability to execute combined purchase and sale orders for both funds, is an essential ingredient in establishing an investment vehicle for Arthur Anderson's overseas representatives which will afford them the opportunity, currently available to their U.S. counterparts, to pool their investment resources, without incurring adverse tax consequences, in a manner which does not present problems as to the independence, reputation, and business of Arthur Anderson. Consequently, Fund A submits that Goldman, Sachs & Co.'s management of both Fund A and Fund A-Offshore and its execution of combined purchase and sale orders on the basis set forth above is consistent with the provisions, policies, and purposes of the Act, and will have no adverse effects whatsoever upon the operations of Fund A.

Notice is further given that any interested person may, not later than January 25, 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 Fund A 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 Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-964 Filed 1-16-73;8:45 am]

[File No. 500-1]

GOODWAY INC.

Order Suspending Trading

JANUARY 5, 1973.

The common stock, $0.10 par value of Goodway Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 8, 1973, through January 17, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-969 Filed 1-16-73;8:45 am]

[File No. 500-1]

MANAGEMENT DYNAMICS, INC.

Order Suspending Trading

JANUARY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Management Dynamics, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 7, 1973, through January 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-972 Filed 1-16-73;8:45 am]

[File No. 500-1]

MINUTE APPROVED CREDIT PLAN, INC.

Order Suspending Trading

JANUARY 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Minute Approved Credit Plan, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from January 9, 1973, through January 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-973 Filed 1-16-73;8:45 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

JANUARY 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities

otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 11, 1973, through January 20, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1023 Filed 1-16-73;8:45 am]

[File No. 500-1]

MONARCH GENERAL, INC.

Order Suspending Trading

JANUARY 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Monarch General, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 11, 1973, through January 20, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1022 Filed 1-16-73;8:45 am]

[70-5290]

NEW ENGLAND POWER CO.

Proposed Continuation of Increase in Permitted Short-Term Unsecured Indebtedness

JANUARY 10, 1973.

Notice is hereby given that New England Power Co. (NEPCO), 20 Turnpike Road, Westborough, MA 01581, an electric utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a)(2), 7(e), and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposal. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposal.

The terms of the dividend series preferred stock as set forth in the bylaws provide that, except as voted by holders of said stock, the short-term unsecured indebtedness of NEPCO shall not exceed 10 percent of the sum of the principal amount of all bonds and other secured indebtedness and the capital, premium, and surplus of NEPCO, and that all unsecured indebtedness of NEPCO shall not exceed 20 percent of such sum.

On March 30, 1970, pursuant to Commission approval (Holding Company Act Release No. 16653), the dividend series preferred stockholders by majority vote authorized the issue by the company of short-term unsecured indebtedness in excess of the 10 percent limitation provided that all unsecured indebtedness would not exceed 20 percent of the sum of the principal amount of all bonds and other secured indebtedness and the capital, premium, and surplus of the company and that such short-term unsecured indebtedness would be issued within a 3-year period ending March 20, 1973, and mature by March 20, 1974. It is now proposed that this authorization be continued on the same terms, except that (1) such indebtedness shall be issued not later than July 1, 1976, and (2) such indebtedness shall have a maturity not later than July 1, 1977.

It is stated that the experience of the current authorization of the increase in the permitted amount of short-term unsecured indebtedness has demonstrated that temporary financing through larger amounts of short-term unsecured indebtedness pending completion of, and realization of earnings from, facilities under construction provides greater flexibility in financing, lower interest costs, and is in the best interest of NEPCO, its investors, and customers. It is further stated that since the 1970 authorization referred to above, the need for a waiver of the 10-percent limitation has been accentuated due to inflation, larger unit sizes, and delays in obtaining licenses and regulatory approvals, including those necessitated by recently enacted environmental requirements.

NEPCO intends to submit the proposal to the holders of dividend series preferred stock for their approval at a special meeting of such stockholders which is to be held on February 22, 1973. In connection therewith, NEPCO proposes, pursuant to Rule 62 under the Act, to solicit proxies from such stockholders to be voted at said special meeting.

Expenses to be incurred in connection with the proposal are estimated at $6,000, including services of the system service company, at cost, of $2,200. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposal.

NEPCO has requested that the effectiveness of its declaration with respect to the solicitation of proxies from holders of its dividend series preferred stock be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than February 8, 1973, request in writing that a hearing be held with respect to the proposed continuation of the increase in permitted short-term unsecured indebtedness, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that NEPCO's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-1021 Filed 1-16-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES, INC.

Order Suspending Trading

JANUARY 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Star-Glo Industries, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 9, 1973, through January 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-974 Filed 1-16-73;8:45 am]

[811-1739]

W., S. & W. FUND, INC.

Application for Order Declaring That Company Has Ceased To Be An Investment Company

JANUARY 9, 1973.

Notice is hereby given that W., S. & W. Fund, Inc. ("Applicant"), 20 Exchange Place, New York, NY 10005, a nondiversified, open-end management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of representations contained therein, which are summarized below.

The application states, among other things, that at the annual meeting of stockholders held on September 26, 1972, Applicant's stockholders adopted a plan of liquidation and dissolution; that on November 26, 1972, a certificate of dissolution was filed by the Department of State of New York and Applicant was thereby dissolved under the laws of the State of New York; that all liabilities of the Applicant have been paid; and that all the assets of Applicant remaining after the payment of its liabilities have been distributed to the stockholders in complete redemption and cancellation of, and in payment for, all of Applicant's outstanding shares of common stock, except that there is now pending in the U.S. District Court for the Southern District of New York a civil action Ruggiero v. American Bioculture, Inc. (72 Civ. 581) in which Applicant as a former owner of securities of American Bioculture, Inc., is a member of the class of plaintiffs who may be entitled to participate in a proposed partial settlement of such action. Under the terms of such settlement Applicant may receive shares of a new, $0.70 convertible second preferred stock. The number of shares which Applicant will receive and the fair market value thereof cannot be determined at this time. It is the intention of Applicant to sell such securities of American Bioculture, Inc., as it may receive as soon as may be practicable, and to distribute the net proceeds thereof pro rata to the same holders of record of shares of Applicant who were entitled to receive the previous liquidating distributions made by Applicant.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 30, 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 should 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 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.73-965 Filed 1-16-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5296]

CEDC MESBIC, INC.

Notice of Issuance of License to Operate as Limited Small Business Investment Company

On December 13, 1972, a notice was published in the FEDERAL REGISTER (37 FR 26556) stating that CEDC MESBIC, Inc., 106 Main Street, Hempstead, NY 11550, had filed an application with the Small Business Administration, pursuant to section 107.102 of the SBA rules and regulations governing small business Investment Companies (13 CFR 107.701 (1972)) for a license to operate as a limited small business investment company.

Interested parties were given to the close of business December 28, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 02/02-5296 to CEDC MESBIC, Inc., pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: January 9, 1973.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.73-953 Filed 1-16-73;8:45 am]

[License No. 06/06-0161]

PERMIAN BASIN CAPITAL CORP.

Issuance of License to Operate as Small Business Investment Company

On November 14, 1972, a notice was published in the FEDERAL REGISTER (37 FR 24138) stating that Permian Basin Capital Corp., 303 West Wall Avenue, Midland, TX 79701, had filed an application with the Small Business Administration (SBA), pursuant to section 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business November 29, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 06/06-0161 to Permian Basin Capital Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: January 9, 1973.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.73-954 Filed 1-16-73;8:45 am]

[License No. 01/01-0011]

SCHOONER CAPITAL CORP.

Notice of Filing of Application for Transfer of Control and Exemption from Certain Regulations

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the SBA rules and regulations (13 CFR 107.701(1972)) for approval of the transfer of control of Schooner Capital Corp. (SBIC), 441 Stuart Street, Boston, MA 02116, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), license No. 01/01-0011.

The licensee was originally licensed by SBA on September 8, 1960, in the name of Boston Capital Corp. (BCC). Pursuant to a plan approved by SBA on November 22, 1967, BCC, a publicly held company, deregistered with the Securities and Exchange Commission, retained certain portfolio securities, and transferred its license to a wholly owned subsidiary, Boston Capital Small Business Investment Co. (BOSBIC).

On April 21, 1971, SBA approved a change in ownership of BOSBIC from BCC to Asset Purchase and Management Co. (APMC), a limited partnership, and a reduction in the licensee's paid-in capital and paid-in surplus. As a result of this change in ownership and the capital reduction, APMC acquired the licensee and former portfolio securities from BCC. The licensee's name was changed to Schooner Capital Corp.

SBA approved the purchase of the 45-percent general partnership interest in APMC by Fidelity Corporation of Virginia (FCV) on March 21, 1972.

Mr. Vincent J. Ryan, current president and director of the licensee, proposes to acquire the 45-percent general partnership interest in the licensee now owned by FCV. Concurrently with the acquisition of the 45-percent general partnership interest, it is proposed that the licensee would reacquire eight former portfolio securities from APMC which were transferred at the time of the original reorganization. It is further proposed that the licensees' office would be relocated at 141 Milk Street, Boston, MA 02109.

If the proposed reorganization and acquisition by Mr. Ryan is permitted, the following factors would be involved in SBA's approval:

1. Purchase of issued and outstanding securities from a nonlicensee, i.e. APMC (sections 107.302, 107.504, 107.807, and 107.1004).

2. Five of the eight securities being reacquired would result in overline financings under the present capitalization.

3. Three of the eight concerns involved are now ineligible to receive financing as they are now big business.

Matters involved in SBA's consideration of the application include exempting certain regulations to permit the reacquisition of former eligible portfolio securities by the licensee in a quasi reorganization to once again make it a stronger and more viable company, the general business reputation and character of Mr. Ryan, and the probability of successful operation. Also, SBA must be satisfied that the terms of the proposed action are fair and equitable; and the exemption requested is reasonably calculated to advance the best interests of the SBIC program in a manner consonant with the policy objectives of the Act and regulations. In addition, SBA may place further conditions on the SBIC if approval is granted.

Notice is hereby given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA in writing any relevant comments on the transfer of control, and reacquisition of eight former portfolio securities. Any such communications should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Mass.

Dated: December 27, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.73-955 Filed 1-16-73;8:45 am]

TARIFF COMMISSION

[TEA-F-48]

DOVER SHOE MANUFACTURING CO.

Workers' Petition for a Determination; Notice of Investigation and Hearing

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Dover Shoe Manufacturing Co., Somersworth, N.H., the U.S. Tariff Commission, on January 11, 1973, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.43, 700.45, and 700.55 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increase quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t. on February 8, 1973, in the Hearing Room, U.S. Tariff Commission Building, Eighth and E Streets NW. Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission in writing, at its offices in Washington, D.C., not later than noon, Friday, February 2, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. 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.

By order of the Commission.

Issued: January 12, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-1034 Filed 1-16-73;8:45 am]

[TEA-W-173]

HAMMOND SHOE CORP.

Workers' Petition for a Determination of 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 Hammond Shoe Corp., Worcester, Mass., the U.S. Tariff Commission, on January 11, 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 foot wear for men and boys (of the types provided for in items 700.26, 700.27, 700.29, 700.35, and 700.55 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 January 29, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

By order of the Commission.

Issued: January 12, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-1035 Filed 1-16-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

COLORADO DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an occupational safety and health plan for the State of Colorado has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan identifies the Department of Labor and Employment, Division of Labor, as the State agency designated by the Governor of the State to administer the plan throughout the State. It proposes to define the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2 (c). All occupational safety and health standards promulgated by the U.S. Secretary of Labor, except where Colorado standards are found to be "more stringent than" or "as effective as" comparable Federal standards, will be adopted under the plan, except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, ship building, shipbreaking, and longshoring), and after public hearings will become effective 120 days after the standards are approved by the Secretary of Labor, with the exception of agriculture. Agricultural standards will be promulgated by July 1, 1974.

The plan includes proposed draft legislation to be considered by the Colorado Legislature during its 1973 session amending section 80 of the Colorado Revised Statutes, and related provisions, to bring them into conformity with the requirements of Part 1902. Under the proposed legislation, the Department of Labor and Employment, Division of Labor, will have the statutory authority to implement an occupational safety and health plan modeled after the Federal Act. It provides for the coverage of all employees within the State including the

employees of State agencies and municipalities, with certain exceptions.

There are provisions within the legislation granting the Director of the Division of Labor the authority to inspect workplaces and to issue citations for violations and their abatement and there is included a prohibition against advance notice of any such inspection. The legislation is also intended to insure employer and employee representatives opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of alleged violations; protection of employees against discharge in terms and conditions of employment; adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violation of the proposed legislation.

The proposed legislation is accompanied by a statement of the Governor's support for it and an opinion from an attorney that it will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the constitution and other laws of the State. The plan sets out goals for bringing it into full compliance with Part 1902 upon enactment of the proposed legislation by the State legislature.

The proposed legislation sets forth the general authority and scope for implementing the Colorado Plan. In addition, the plan is developmental within 29 CFR 1902.2(b) in that specific rules and regulations must be adopted to carry out the plan and to make it fully operative.

There is set forth in the proposed plan a timetable providing for the future drafting of various administrative rules, regulations, and procedures. The timetable covers such general areas as the development and enforcement of occupational health and safety standards, the creation of a State informational program, the adoption of regulations for variances, limitations, tolerances, and exceptions, the development of rules of procedure for review and appeals, and the development of a public employee program. The plan also contains a comprehensive description of personnel to be employed under the State's merit system as well as its proposed budget and resources.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Room 15218, 1961 Stout Street, Denver, CO 80202; and the offices of the Director of Labor, Department of Labor and Employment, 200 East Ninth Avenue, Denver, CO 80203.

3. *Public participation.* Interested persons are hereby given until February 17, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed before February 17, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 11th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-980 Filed 1-16-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 157]

ASSIGNMENT OF HEARINGS

JANUARY 12, 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-C-7938, Fergus Bus Service, Inc.—Investigation and revocation of certificate, now being assigned hearing February 21, 1973 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 921 Sub 22, Dean Truck Line, Inc., MC 128944 Sub 12, Reliable Truck Lines, Inc., now being assigned February 12, 1973 (1 week), at Tupelo, Miss., will be held at the Natchez Trace Inn, 3400 West Main Street.

MC 921 Sub 22, Dean Truck Line, Inc., MC 128944 Sub 12, Reliable Truck Lines, Inc., now being assigned February 20, 1973 (1 week), at Birmingham, Ala., will be held at the Guest House Motor Inn, 18th Street at 10th Street.

FD 27255, Indianhead Truck Line, Inc., Notes, now being assigned hearing January 22, 1973 (1 week), in Room 4, State Office Building, 65 South Front Street, Columbus, OH.

MC-C-7931, John W. Hoogland and Joanne C. Hoogland, a partnership, doing business as City Express, and Peninsula Shippers Association, Inc.—Investigation of operations and revocation of certificates—now being assigned hearing February 28, 1973 (1 day), at Juneau, Alaska, in a hearing room to be later designated.

MC 96612 Sub 12, Sea-Land Freight Service, Inc., now being assigned hearing March 6, 1973 (3 days), at Olympia, Wash., in a hearing room to be later designated.

MC 136790, Hall Distributors, Ltd., now being assigned hearing March 14, 1973 (2 days), at Olympia, Wash., in a hearing room to be later designated.

MC-FC-73286, L. & V. Trucking Co., Inc., Gardner, Mass., transferee and S. & H. Transfer, Inc., Gardner, Mass., transferor, now being assigned hearing February 26, 1973 (2 days) at Boston, Mass., in a hearing room to be later designated.

MC-F-11677, Brush Hill Transportation Co.—(Purchase) (portion)—Union Street Railway Co., now being assigned hearing February 28, 1973 (3 days), at Boston, Mass., in a hearing room to be later designated.

MC-113843 Sub 185, Refrigerated Food Express, Inc., now being assigned hearing March 5, 1973 (1 week), at Boston, Mass., in a hearing room to be later designated.

MC 133276 Sub 7, Berry Transport, Inc., now being assigned March 26, 1973 (1 week), at Olympia, Wash., in a hearing room to be later designated.

MC 97127 Sub 6, Batesville Truck Line, Inc., common carrier application, now being assigned hearing March 19, 1973 (2 weeks), at Little Rock, Ark., in a hearing room to be later designated.

MC-C-7837, Donald & Jerome Fleecs, doing business as Fleecs Brothers, investigation of operations, now assigned January 29, 1973, at Omaha, Nebr., is canceled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1003 Filed 1-16-73;8:45 am]

[Notice 3]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 12, 1973.

The following publications[1] are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 110420 (Sub-No. 638) (Republication), filed July 8, 1971, published in the FEDERAL REGISTER issue of August 26, 1971, and republished this issue. Applicant: QUALITY CARRIERS, INC., I-94 and County Highway C, Bristol, Wis. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. An order of the Commission, Review Board No. 3, filed December 5, 1972, and served December 26, 1972,

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality on the human environment resulting from approval of its application.

finds: (1) that the authority granted below, as modified to conform to the evidence, will provide shipper with a coordinated and balanced transportation service and should not have any serious adverse affect upon protestants; and (2) that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of vegetable oil products, in bulk, from Jersey City, Edison, Newark, Graselli, and Boonton, N.J., and Baltimore, Md., to Janesville, Wis.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119660 (Sub-No. 3) (Republication), filed May 8, 1972, published in the FEDERAL REGISTER issue of June 22, 1972, and republished this issue. Applicant: ALASKA AGGREGATE CORPORATION, doing business as PACIFIC WESTERN LINES, Post Office Box 3–3788, Anchorage, AK 99501. Applicant's representative: Donald T. Ille (same address as applicant). An order of the Commission, Operating Rights Board, filed December 14, 1972, and served December 28, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of *buildings* in sections on wheeled undercarriages equipped with hitch-ball connectors, (1) between points in Anchorage, Alaska, (2) between Anchorage, Alaska on the one hand, and, on the other, points on and within 25 miles of: (a) Alaska Highway 1 between and including Homer and Tok, Alaska (b) Alaska Highway 2 between and including Tok and Tofty, Alaska (c) Alaska Highway 4 between and including Valdez and Buffalo Center, Alaska (d) Alaska Highway 6 between and including Fairbanks and Circle, Alaska and (e) Alaska Highway 9 between and including the junction of Alaska Highways 1 and 9 northwest of Moose Pass and Seward, Alaska, and (f) Alaska Highway 3 between and including Palmer, Alaska, and Fairbanks, Alaska; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127597 (Sub-Nos. 1 and 3) (Republication), filed October 15, 1965 and March 28, 1966 respectively, and published in the FEDERAL REGISTER issues of October 28, 1965 and April 6, 1966 respectively, and republished this issue. Applicant: TUI, a Corporation, 5225 Las Vegas Boulevard, South Building 301, Las Vegas, NV 89109. Applicant's representative: L. C. Major, Jr. and Russell R. Sage, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. An order of the Commission, Division 3, acting as an appellate division, filed December 13, 1972, and served January 3, 1973 finds: (A) that an appropriate certificate be issued to applicant subject to the prior receipt of a request from applicant in writing for the coincidental cancellation of its certificate of public convenience and necessity in No. MC 127597 (Sub-No. 1), issued August 15, 1972; (B) that operation by applicant in interstate and foreign commerce, as a common carrier by motor vehicle, over regular routes, should be authorized as follows: (1) *Passengers, and express and newspapers,* in limousines or sedans with a seating capacity of not more than seven persons, including the driver, between Las Vegas, Nev., and Furnace Creek Inn, Calif., serving no intermediate points: (a) from Las Vegas over U.S. Highway 95 to junction Nevada Highway 29, thence over Nevada Highway 29 to the Nevada-California State line, thence over California Highway 127 to Death Valley Junction, Calif., and thence over California Highway 190 to Furnace Creek Inn, and return over the same route; (b) from Las Vegas over U.S. Highway 95 to Beatty, Nev., thence over Nevada Highway 58 to the Nevada-California State line, thence over unnumbered California highway to junction California Highway 190, and thence over California Highway 190 to Furnace Creek Inn, and return over the same route. The above-described authority to transport passengers was issued pursuant to an application filed on or before January 1, 1967, and therefore incidental charter operations in interstate or foreign commerce may be conducted under rules and regulations prescribed by the Commission pursuant to section 208(c) of the Interstate Commerce Act, as amended November 10, 1966. (2) *Passengers and their baggage,* in special operations consisting of sightseeing or pleasure tours, beginning at Bakersfield, Baker, and Barstow, Calif., and at Las Vegas and Beatty, Nev., and extending to entrances of the Death Vallay National Monument, Calif.-Nev., and ending at Bakersfield, Lone Pine, Trona, Mojave, Baker, and Barstow, Calif., and Las Vegas and Beatty, Nev.:

(a) from Bakersfield over California Highway 178 via Isabella, Calif., to Freeman, Calif. (also from Isabella over an unnumbered highway to Kernville, Calif., and return), thence over U.S. Highway 395 (portion formerly U.S. Highway 6) via Olancha, Calif., to Lone Pine, Calif. (also from Olancha over an unnumbered highway to junction California Highway 190, near Keeler, Calif.; also from Lone Pine over unnumbered highways to Whitney Portal and Alabama Hills, Calif., and return), and thence over California Highway 190 via Panamint Springs, Calif., to the entrance of Death Valley National Monument, and return over the same route; (b) from Bakersfield over California Highway 58 (formerly U.S. Highway 466), via Mojave, Calif., to Barstow, and return over the same route; (c) from junction California Highway 58 (formerly U.S. Highway 466) and an unnumbered highway, near Boron, Calif., over unnumbered highways to the Borax Works, near Boron, Calif., and return over the same route; (d) from Mojave over California Highway 14 (portion formerly U.S. Highway 6) to junction unnumbered highway, and thence over unnumbered highway to Trona, and return over the same route; (e) from junction U.S. Highway 395 and California Highway 58 (formerly U.S. Highway 466) over U.S. Highway 395 to Red Mountain, Calif., and thence over unnumbered Highway via Trona, Calif., to the entrance to Death Valley National Monument, and return over the same route; (f) from Red Mountain over U.S. Highway 395 to junction California Highway 14 (portion formerly U.S. Highway 6), near Brown, Calif., and return over the same route; (g) from junction California Highway 190 and Panamint Valley Road over Panamint Valley Road to junction Emigrant Canyon Highway, and return over the same route; (h) from Barstow over U.S. Highway 91 to Baker, Calif., thence over California Highway 127 via Salt Springs Junction and Shoshone, Calif., to Death Valley Junction, Calif., and thence over California Highway 190 to the entrance of Death Valley National Monument (also from Salt Springs Junction over unnumbered highway to the entrance of Death Valley National Monument) and return over the same routes;

(i) from junction California Highway 127 and unnumbered highway near Shoshone, Calif., over unnumbered highway via Saleberry Pass to the entrance to Death Valley National Monument, and return over the same route; (j) from Las Vegas over U.S. Hgihway 95 via Lathrop Wells and Beatty, Nev., to junction Nevada Highway 72, and thence over Nevada Highway 72 to the northeast entrance to Death Valley National Monument, and return over the same route; (k) from Beatty over Nevada Highway 58 to the entrance to Death Valley National Monument (also from junction Nevada Highway 58 and unnumbered

highway over unnumbered highway via Rhyolite, Nev., to junction Nevada Highway 58), and return over the same routes; and (1) from Lathrop Wells over Nevada Highway 29 to the Nevada-California State line, and thence over California Highway 127 to Death Valley Junction and return over the same route, restricted in (2) above against service consisting of sightseeing or pleasure tours which both begin and terminate at Las Vegas, Nev., and extend to Death Valley National Monument; and (C) operation by applicant in interstate and foreign commerce, as a common carrier by motor vehicle, over irregular routes, should be authorized as follows: *Passengers and their baggage*, in special or charter operations, in round trip sightseeing or pleasure tours, beginning and ending at Las Vegas, Nev., and points within 5 miles thereof, and extending to Grand Canyon National Park, Ariz., Hoover Dam, Ariz.-Nev., and Death Valley National Monument, Calif. Any duplication of authority granted herein or to the extent that such authority duplicates any heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128648 (Sub-No. 7) (Republication), filed June 21, 1972, published in the FEDERAL REGISTER issue of July 29, 1971, and republished this issue. Applicant: TRANS-UNITED, INC., 1226 West Chicago Avenue, East Chicago, IN 46312. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, DC 20006. A report and order of the Commission, Review Board No. 3, dated November 17, 1972, and served January 9, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (1) of *material handling and construction machinery and equipment* (except truck tractors), and parts for the above named commodities: (a) Between Mercer, Pa., Torrance, Calif., Montgomery, Ala., Aurora, Ill., Portland, Oreg., Phoenix, Ariz., Salt Lake City, Utah, Dallas and Houston, Tex., Tulsa, Okla., Topeka, Kans., Cedar Rapids, Iowa, New Orleans, La., Memphis, Tenn., Defiance, Columbus, and Cleveland, Ohio, Atlanta, Ga., Jacksonville and Tampa, Fla., Boston, Mass., Denver, Colo., and the facilities of the Pettibone Corp., at East Rutherford, N.J., and (b) from the points described in (a) above, to points in the United States (except Alaska and Hawaii); and (2) of *equipment, materials and supplies* used in the manufacture of the commodities in (1) above, (a) between the points described in (1)(a) above, and (b) from points in the United States (except Alaska and Hawaii), to the points described in (1)(a) above, under a continuing contract or contracts with the Pettibone Corp., of Chicago, Ill., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES FOR FILING OF PETITIONS

No. MC 76297 (Notice of Filing of Petition To Remove a Restriction), filed February 8, 1936, and previously unpublished in the FEDERAL REGISTER. Petitioner: RICHARD DEAN WENDELKEN, doing business as RUBBER CITY EXPRESS, 1805 East Market Street, Akron, OH 44305. Petitioner's representative: Paul F. Berry, 88 East Broad Street, Columbus, OH 43215. Petitioner presently holds a motor contract carrier permit in No. MC 76297,* authorizing the transportation over irregular routes, of: (1) *Such commodities* as are manufactured, processed and/or dealt in by rubber manufacturers and steel product manufacturers, and *equipment, materials, and supplies* used in the conduct of such business, from Akron, Ohio, to points in Rhode Island, Massachusetts, Connecticut, that part of New York east of a line beginning at Port Jervis, N.Y., and extending along U.S. Highway 209 to Kingston, N.Y., thence along U.S. Highway 9-W to Albany, N.Y., thence along U.S. Highway 20 to Syracuse, N.Y., thence along U.S. Highway 11 to Watertown, N.Y., and thence along New York Highway 12 to Clayton, N.Y., including New York, N.Y., Long Island, N.Y., and points on the indicated portions of the highways specified, and points in that part of New Jersey located on and north of New Jersey Highway 33, with no transportation for compensation on return except as otherwise authorized, restricted against the transporation of liquid chemicals in bulk, in tank vehicles, from Akron, Ohio, to the above-specified points; (2) *tire fabric*, from Fall River and New Bedford, Mass., to Akron, Ohio, with no transportation for compensation on return except as otherwise authorized; (3) *chemicals*, from Naugatuck, Conn., to Akron, Ohio, with no transportation for compensation on return except as otherwise authorized; (4) *Scrap tires and tubes*, from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N.J., and Albany and New York, N.Y., and points on Long Island, N.Y., to Akron, Ohio, with no transportation for compensation on return except as otherwise authorized; and the operations in (1), (2), (3), and (4) above limited to a transportation service to be performed under special and individual contracts or agreements, with persons (as defined in section 203(a) (1) of the Interstate Commerce Act), who operate rubber manufacturing plants, the business of which is the manufacturing and sale of rubber products, for the transportation of the commodities indicated and in the manner specified above. By the instant petition, petitioner seeks removal of the restriction limiting the performance in (1), (2), (3), and (4) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124211 (Sub-No. 191) (Notice of filing of petition for modification and reconsideration of a certificate), filed June 29, 1971, published in the FEDERAL REGISTER issue of July 29, 1971, and republished this issue. Petitioner: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Petitioner's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Darr, Lincoln, and Norfolk, Nebr., to points in Kentucky. NOTE: The purpose of this republication is to indicate the additional origins of Darr and Lincoln, Nebr., and applicant's request for reconsideration of an order of the Commission, Review Board No. 3, filed November 13, 1972, and served November 21, 1972, wherein it stated that the applicant failed to show evidence of its ability to satisfy the shipper's needs. Applicant states that the requested authority can be tacked at points in Nebraska with its existing authority in Sub-Nos. 36 and 121 to serve points in Iowa, Illinois, and Nebraska, and can also be tacked at points in Missouri with the authority it holds in Sub-No. 39 to serve points in Illinois, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant further states that tacking is unlikely as operations thereunder would be unduly circuitous to the extent that shippers would not want to utilize the services of the applicant. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority.

No. MC 134219 (Notice of filing of petition for modification of a permit by adding an origin) filed November 21, 1969, published in the FEDERAL REGISTER issue of January 29, 1970, and republished this issue. Petitioner: GEORGE V. D'AGOSTINO, doing business as AIRLIN TRUCKING CO., 213–217 Pioneer Street, Newark, NJ 07104. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chalk* (except in bulk, in tank vehicles), from Newark and Woodbridge, N.J. and points in the New York, N.Y. harbor limits as defined in 49 CFR 1070.1, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, under a continuing contract with Pleuss-Staufer (North American), Inc., of New York, N.Y. NOTE: The purpose of this republication is to indicate applicant's request to add Woodbridge, N.J. as an additional origin so that applicant may continue to fully service its contracting shipper.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 10343 (Sub-No. 23), filed December 19, 1972. Applicant: CHURCHILL TRUCK LINES, INC., Highway 36 West, Post Office Box 250, Chillicothe, MO 64601. Applicant's representative: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and livestock), between points in Lake, Cook, DuPage, Kane, Kendall, and Will Counties, Ill., that part of McHenry County on and south of Illinois Highway 120 and on and east of Illinois Highway 47, and that part of Kankakee County on and north of Illinois Highways 114 and 17, excluding Kankakee, Ill. NOTE: This is a matter directly related to MC–F–11752, published in the FEDERAL REGISTER issue of December 27, 1972. Applicant states that the requested authority can be tacked at Chicago, Ill. and at points on U.S. Highway 6, 20, and 34 within a 50-mile radius of 3216 Princeton Avenue, Chicago, IL to serve points or territories which the applicant has not indicated. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11761. Authority sought for purchase by GREAT SOUTHWEST WAREHOUSES, INC., 3191 Commonwealth Drive, Dallas, TX 75427, of the operating rights and property of (1) VICTORY VAN LINES, INC., 6012 Girard Avenue, Philadelphia, PA 19104, and (2) SEATTLE TRANSFER & STORAGE COMPANY, 26 Hanford Street, Seattle, WA 98134, and for acquisition by GULF ATLANTIC WAREHOUSE CO., 3721 Dacoma Street, Houston, TX 77018, and ANDERSON CLAYTON & CO., 1010 Milam Street, Houston, TX 77002, of control of such rights and property through the purchase. Applicants' attorney: Everett Hutchinson, 1140 Connecticut Avenue NW., Washington, DC 20036. Operating rights sought to be transferred: (1) *Household goods*, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia, between New York, N.Y., on the one hand, and, on the other, points in Connecticut and New Jersey, and certain specified points in New York and Pennsylvania; (2) *General commodities*, with exceptions, over regular routes, between Seattle, and Blaine, Wash., serving certain specified intermediate and off-route points in Washington, with restriction, between Seattle, and Tacoma, Wash., serving all intermediate points; and off-route points within 3 miles of Seattle, with restriction, between Spokane, Wash., and Post Falls, Idaho, serving certain specified intermediate and off-route points of Idaho; *household goods*, between Seattle, Wash., and Portland, Oreg., serving no intermediate points; *general commodities*, with exceptions, over irregular routes, between points within 3 miles of Seattle, Wash., including Seattle, between the Seattle-Tacoma Airport and the King County Airport (Boeing Field), on the one hand, and, on the other, certain specified points in Washington, with restriction, between points within 3 miles of Spokane, Wash., including Spokane, between Spokane, Wash., on the one hand, and, on the other points not less than 3 nor more than 15 miles from Spokane, with restriction; *newspapers and baggage*, between points in that part of King County, Wash., west of a line extending north and south through Issaquah, Wash., except those on Vashon and Maury Islands, Wash., with restriction; and *iron and steel*, fabricated and not fabricated, as a *contract carrier* over irregular routes, between Seattle, Wash., on the one hand, and, on the other, points in Washington, Idaho, and Montana, between points in Washington, on the one hand, and, on the other, construction sites in Washington, with restriction. Vendee is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11762. Authority sought for control by LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road (Post Office Box 21395), Louisville, KY 40221, of COMMERCIAL TRANSPORT, INC., an Illinois corporation, Post Office Box 469, 207 South 20th Street, Belleville, IL 62222, and for acquisition by CHARLES E. CRANMER, Post Office Box 21395, of control of COMMERCIAL TRANSPORT, INC., through the acquisition by LIQUID TRANSPORTERS, INC. Applicants' attorneys: L. A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036, and Edward Villalon, Suite 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in the States in Illinois, Indiana, Missouri, Kentucky, Arkansas, Tennessee, Iowa, Ohio, Wisconsin, and Minnesota with certain restrictions, as more specifically described in Docket No. MC–104654 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. LIQUID TRANSPORTERS, INC., is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11763. Authority sought for merger by MID-AMERICAN LINES, INC., 127 West 10th Street, 11th Floor, Kansas City, MO 64105, of the operating rights and property of BRUCE MOTOR FREIGHT, INC., also of Kansas City, MO 64105, and for acquisition by LeROY WOLFE and HELEN WOLFE, both of 4303 Homestead Drive, Prairie Village, KS 60208, of control of such rights and property through the transaction. Applicants' attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, as a *common carrier* over regular routes, in the States of Minnesota, Iowa, Missouri, Illinois, Indiana, and Ohio, including principal routes, Minneapolis and Kansas City via Albert Lea, Minn., and Des Moines, Iowa, Minneapolis and St. Louis, via Owatonna, Minn., Cedar Rapids and Ottumwa, Iowa, and Kirksville and Columbia, Mo. (also via Keokuk, Iowa and Hannibal, Mo.), Minneapolis and Chicago over one route via Eau Claire, Wisconsin Dells, and Milwaukee, Wis., and Milwaukee, Wis., a second

via La Crosse, Wisconsin Dells, Madison, and Janesville, Wis., and a third via Rochester, Minn., Dubuque, Iowa, and Rockford, Ill., between Des Moines and Chicago via Davenport, Iowa, Cedar Rapids, and Chicago via Clinton, Iowa, routes radiating from Indianapolis, Ind., and extending to (a) Chicago, Ill., via Lafayette, Ind.; (also via Kokomo and Plymouth, Ind.), (b) Fort Wayne, Ind., via Marion, Ind., (c) Dayton, Ohio, via Richmond, Ind., (d) Cincinnati, Ohio, via Rushville, Ind., (e) Louisville, Ky., via Versailles and Madison, Ind. (also via Columbus and Seymour, Ind.), (f) Vincennes, Ind., via Spencer, Ind., and (g) Terre Haute, Ind., via Brazil, Ind., with various other commuting routes in Indiana to such main routes;

General commodities, with exceptions, over irregular routes, between Minneapolis and St. Paul, Minn., and the site of the Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn., between Minneapolis, St. Paul, South St. Paul, Inver Grove Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, Minn., between points in Minnesota within 35 miles of Minneapolis, Minn., including Minneapolis, Minn., between points in that part of Illinois north of U.S. Highway 30, and points in that part of Indiana north of U.S. Highway 30 and west of Indiana Highway 51, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points on the regular service routes specified in Part B, Chemolite, Minn., and points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission; *poultry, butter, and eggs*, from Osceola, Creston, Gowrie, and Coon Rapids, Iowa, to Chicago, Ill.; *butter, eggs, poultry, dressed rabbits, meat, canned goods, paper, and junk*, from points in that part of Minnesota bounded by a line beginning at the Wisconsin-Minnesota State line and extending along unnumbered highway through Duxbury to certain specified points in Minnesota; *iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., to points in Indiana and Kentucky; *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in Indiana and Kentucky, to the plantsite of Jones & Laughlin Steel Corp., located at Putnam County, Ill., with restriction; over numerous alternate routes for operating convenience only. MID AMERICAN LINES, INC., is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Nebraska, Michigan, Ohio, and Indiana. Application has not been filed for temporary authority under section 210a(b). NOTE: Pursuant to order dated October 12, and served October 20, 1972, in Docket No. MC-F-11347, transferee acquired control of transferor.

No. MC-F-11764. Authority sought for purchase by C. A. B. Y. TRANSPORTATION COMPANY, 1925 St. Clair Avenue, Cleveland, OH 44114, of a portion of the operating rights of BATH LIGHTNING EXPRESS, INC., 50 Varian Lane, Rochester, NY 14624, and for acquisition by TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, GA 30316, of control of such rights through the purchase. Applicants' attorney: Harold H. Clokey, 414 The Equitable Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Rochester, and Bath, N.Y., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11765. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Dallas, TX 75209 (MC-41432), and WOODLAND TRUCK LINE, INC., 635 Park Street, Woodland, WA 98674 (MC-297), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between points in Battle Ground, Brush Prairie, Carrolls, Dollars Corner, Glenwood, Heisson, Hockinson, Kalama, LaCenter, Meadow Glade, Manor, Pleasant Valley, Orchards, Ridgefield, Salmon Creek, and Woodland, Wash. Attorney: Richard R. Sigmon, Suite 618 Perpetual Building, 1111 E Street NW., Washington, DC 20004. EAST TEXAS MOTOR FREIGHT LINES, INC., is authorized to operate as a common carrier in Texas, Illinois, Missouri, Arkansas, Tennessee, Alabama, Georgia, Iowa, Indiana, Michigan, Ohio, Wisconsin, California, Oregon, Washington, Arizona, Utah, New Mexico, Louisiana, Colorado, Idaho, Montana, Nevada, and Wyoming.

No. MC-F-11767. Authority sought for purchase by J. V. MOTOR LINES, INCORPORATED, 69 Thomas Street, East Hartford, CT 06108, of the operating rights of FRANCIS V. TURSI, doing business as MIDDLE NEW ENGLAND EXPRESS, 33 Ash Road, South Windsor, CT, and for acquisition by FRANK J. VECCHIOLLA AND EDWINA J. VECCHIOLLA, both of East Hartford, CT 06108, of control of such rights through the purchase. Applicants' attorney: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Operating rights sought to be controlled and merged: Under a certificate of registration in Docket No. MC-98590 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Connecticut and Massachusetts. Application has been filed for temporary authority under section 210a(b). NOTE: MC-87855 (Sub-No. 3) is a matter directly related.

No. MC-F-11768. Authority sought for control and merger by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, OK 73108, of the operating rights and property of LOVING TRUCK LINES, INCORPORATED, doing business as LOVING TRUCK LINES, 215 Southwest Seventh Street, Oklahoma City, OK 73215, and for acquisition by R. E. LEE AND M. S. LEE, also of Oklahoma City, Okla. 73108, of control of such rights and property through the transaction. Applicants' attorneys: Richard H. Champlin, Post Office Box 82488, Oklahoma City, OK, Roland Rice, Suite 618 Perpetual Building, Washington, D.C. 20004, and Kenneth Hurst, 310 Fidelity Plaza, Oklahoma City, Okla. Operating rights sought to be controlled and merged: *General commodities*, with varying restrictions, as a *common carrier* over irregular routes, between points and places in Memphis, Tenn., between Memphis on the one hand, and, on the other, West Memphis, Ark., between Oklahoma City, Okla., and a 20-mile radius on the one hand, and, on the other, points and places in Arkansas, Kansas, and Oklahoma, between all points in Cimmaron and Texas Counties, Okla., on the one hand, and, on the other, those in Kansas on and south of U.S. 50 and U.S. 50N, those in a described portion of northeast New Mexico and those in a described northern portion of the Panhandle of Texas, between Cimmaron and Texas Counties, Okla., on the one hand, and, on the other, points in Colorado on and east of U.S. Highway 87; *asphalt*, in packages or drums, *composition and prepared roofing, and asphalt-saturated paper felt*, from Wynnewood, Okla., and points in the Colorado territory specified immediately above; *fruits, vegetables, batteries, battery parts, fiberboard boxes, glass and glassware, oil in packages, and canned goods*, between points in Oklahoma, on the one hand, and, on the other, points in the Colorado territory specified above; *empty glass containers*, with or without caps, covers, stoppers, or tops, from Ada and Blackwell, Okla., to points in Arkansas and points in Memphis, Tenn.; *sugar*, from Sugar City, Colo., to points in Oklahoma; *petroleum products*, in packages or containers (not in tank vehicles), in shipments of 26,000 pounds or more, from the site of the Continental Oil Co. refinery adjacent to Ponca City, Okla., to Memphis, Tenn., and points in Arkansas. LEE WAY MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Oklahoma, Texas, Missouri, Illinois, Kansas, Colorado, Indiana, Ohio, Pennsylvania, West Virginia, Arkansas, Arizona, New Mexico, and California. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11769. Authority sought for purchase by PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, NJ 07105, of the operating rights of LEHIGH TRANSPORTATION COMPANY, INC. (E. F. Walsh, Receiver in Bankruptcy), 201 Bay Avenue, Elizabethport, NJ 07201, and for acquisition by PHILIP DAMEO, also of Newark, N.J. 07105, of control of

such rights through the purchase. Applicants' attorney: Bert Collins, 140 Cedar Street, New York, NY 10006. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, from certain specified points in New Jersey, to points and places in Westchester County, N.Y., and those in Long Island, N.Y., on and west of New York Highway 112, from New York, N.Y. to New Brunswick, N.J., between Newark and Elizabeth, N.J., on the one hand, and, on the other, New York and Tuxedo, N.Y., Camden, N.J., points and places in that part of New Jersey within 50 miles of Newark or Elizabeth, N.J., points and places in Westchester and Rockland Counties, N.Y., and those in Long Island on and west of New York Highway 112, between New York N.Y., on the one hand, and, on the other, Lakewood and Eatontown, N.J., and points and places in that part of New Jersey within 25 miles of the municipal limits of New York, N.Y.; *damaged or rejected shipments*, from Brunswick, N.J., to New York, N.Y., from points and places in Long Island, N.Y., on and west of New York Highway 112, and those in Westchester County, N.Y., to Linden, Bayway, Bloomfield, and Hillside, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

NOTICE

The South Carolina Public Railways Commission hereby gives notice that on the 28th day of November, 1972, it filed with the Interstate Commerce Commission an application under section 5(2) of the Interstate Commerce Act for authority to acquire the tracks, yards, equipment, trackage rights, franchise, licenses, certificates, leases, agreements, and labor contracts of the Port Utilities Commission of Charleston, S.C. and of Port Terminal Railroad of South Carolina (both of which are subsidiaries of the South Carolina Ports Authority, a governmental agency of the State of South Carolina) and to operate, maintain, and control the same as Railroad Carriers governed by the rules and regulations of the Interstate Commerce Commission. These two switching railroads consist of approximately 6 miles and 4.6 miles, respectively, are located wholly within the State of South Carolina and their transfer as requested has been directed by Act No. 456 of the general and permanent laws of the General Assembly of the State of South Carolina of 1969, approved July 14, 1969. The approval of this application and the transfer of the two switching railroads will result in no change in operations but only in a change in management from one State agency to another State agency. In the opinion of the applicant, approval of this application will not have any beneficial or detrimental effect on the environment, as there will be no change in the operation of the two terminal railways upon the approval of this application, Docket No. FD 27254.

Applicant's attorney is Mr. Howard L. Burns, Post Office Drawer 1207, Greenwood, SC. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Interstate Commerce Commission, on or before February 16, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1007 Filed 1-16-73;8:45 am]

[Notice 194]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73877.* By order of November 22, 1972, the Motor Carrier Board approved the transfer to Virginia Furniture Carriers, Inc., Bassett, Va., of Certificates Nos. MC-40830 and MC-40830 (Sub-No. 4) issued September 29, 1944 and September 4, 1951, to G. A. Puryear and J. E. Puryear, doing business as Puryear Truck Line, South Boston, Va., authorizing transportation of: Commodities of a general commodity nature, between specified points and areas in Virginia, Maryland, North Carolina, Pennsylvania, West Virginia, and Ohio. Frank B. Hand Jr., attorney, Post Office Box 446, Winchester, VA 22601.

No. MC-FC-74056. By order of December 4, 1972, the Motor Carrier Board approved the transfer to Brandywine Moving and Storage Co., a corporation, Claymont, Del., of Certificate No. MC-18889, issued to Headley's Express and Storage Co., Inc., Chester, Pa., authorizing the transportation of: Household goods as defined by the Commission, between points in New Jersey, Delaware, Pennsylvania, Rhode Island, Connecticut, Massachusetts, Maryland, New York, Virginia, and the District of Columbia. Francis P. Desmond, attorney, 115 East Fifth Street, Chester, PA 19013.

No. MC-FC-74101. By order of December 19, 1972, the Motor Carrier Board approved the transfer to James E. Henson, doing business as Henson Moving & Storage, Waverly, N.Y., of certificates Nos. MC-34134 and MC-34134 (Sub-No. 3) issued August 11, 1958, and October 24, 1962, respectively, to Harry J. Henson, doing business as Henson Moving & Storage, Waverly, N.Y., authorizing the transportation of: household goods as defined, between points in a described area of New York and Pennsylvania, on the one hand, and, on the other, points in Maine, New York, Pennsylvania, New Jersey, Delaware, Maryland, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, Virginia, West Virginia, Ohio, Indiana, Michigan, and the District of Columbia; potted plants, from Waverly, N.Y. and points within 5 miles thereof, to points in Maine, New York, Pennsylvania, New Jersey, Delaware, Maryland, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, Virginia, West Virginia, Ohio, Indiana, Michigan, and the District of Columbia; and household goods, between Johnson City, N.Y., on the one hand, and, on the other, points in Pennsylvania within 100 miles of Johnson City.

H. Bradley Smith, 440 Waverly Street (Post Office Box 111), Waverly, NY 14892, applicant's representative.

No. MC-FC-74104. By order entered December 12, 1972, the Motor Carrier Board approved the transfer to T. H. Heilig, Inc., Lebanon, Pa., of the operating rights set forth in certificate No. MC-10291, issued November 2, 1967, to Theodore H. Heilig, Labanon, Pa., authorizing the transportation of paper boxes, boilers and boiler parts, and rigging used in placing machinery, fertilizer, household goods as defined by the Commission, iron and steel products, machinery and machinery parts, wooden patterns, and women's wearing apparel on hangers, from, to, or between points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Philip S. Davis, 525 South Eighth Street, Lebanon, PA 17042, attorney for applicants.

No. MC-FC-74107. By order of December 12, 1972, the Motor Carrier Board approved the transfer to Heavy Haul Truck Service, Inc., Long Beach, Calif., of the operating rights in certificate No. MC-72252 and certificate of registration No. MC-72252 (Sub-No. 8) issued April 7, 1943 and April 10, 1964 respectively to Chesley Transportation Co., Inc., Downey, Calif., authorizing the transportation of various commodities between specified points and areas in California and the certificate of registration evidencing a right to engage in transportation in

*This notice was inadvertently omitted in the FEDERAL REGISTER dated December 14, 1972. The due date for petitions will be extended 20 days from the date of this publication and a notice will be served staying the effective date of the approval order served December 14, 1972.

interstate commerce as described in Decision No. 89561 dated October 3, 1972 issued by the Public Utilities Commission of the State of California.

Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202, Attorney for applicants.

No. MC-FC-74077. By order of December 7, 1972, the Motor Carrier Board approved the transfer to Brook Hattan Transportation, Inc., West Hempstead, N.Y., of certificate No. MC-133826 (Sub-No. 1) issued June 14, 1971, to City Wide Transportation Co., Inc., Brooklyn, N.Y., authorizing the transportation of: Passengers and their baggage, in charter operations, beginning at New York, N.Y., and extending to points in New York, New Jersey, Connecticut, and Pennsylvania, restricted to transportation of physically incapacitated and mentally retarded children, and their supervisory personnel. Sidney J. Leshin, Attorney, 501 Madison Avenue, New York, NY 10022.

No. MC-FC-74082. By order of December 15, 1972, the Motor Carrier Board approved the transfer to James C. Logan, Inc., Chester, Pa., of the operating rights in certificate No. MC-56186 issued October 24, 1949, to James C. Logan, Chester, Pa., authorizing the transportation of household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, radially, between points in the Philadelphia commercial zone, and points in Pennsylvania, New Jersey, New York, Delaware, Maryland, West Virginia, Virginia, Rhode Island, Connecticut, Massachusetts, and the District of Columbia; and office furniture and equipment, and store fixtures, radially, between Philadelphia, Pa., and points in Pennsylvania, New Jersey, New York, Delaware, Maryland, and the District of Columbia, within 150 miles of Philadelphia.

Francis P. Desmond, 115 East Fifth Street, Chester PA 19013, attorney for applicants.

No. MC-FC-74096. By order of December 11, 1972, the Motor Carrier Board approved the transfer to Blanche Billert, doing business as Billert's Haulage, Staten Island, N.Y., of the operating rights in Permit No. MC-123307 issued July 15, 1964 to Theodore Billert, doing business as Billert's Haulage, Brooklyn, N.Y., authorizing the transportation of various commodities from and to specified points in New York and New Jersey. George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1005 Filed 1-16-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 12, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

North Carolina Docket No. T-681 (Sub-No. 38). Applicant: HELMS MOTOR EXPRESS, INC., Post Office Drawer 700, Albemarle, NC. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, NC. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those requiring special equipment), over the following regular routes: (A) From the junction of U.S. Highway 74 and North Carolina Highway 381 to Gibson, N.C.; thence over North Carolina Highway 79 to Laurinburg N.C., and return over the same route serving all intermediate points. (B) From Laurinburg, N.C., over U.S. Highway 501 to Rowland, N.C.; thence over U.S. Highway 301 to Lumberton, N.C., and return over the same route serving all intermediate points. Both intrastate and interstate authority sought. HEARING: February 15, 1973, at the hearing room, North Carolina Utilities Commission, Ruffin Building, 1 West Morgan Street, Raleigh, N.C., at 10 a.m. Requests for procedural information should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, NC 27602, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1008 Filed 1-16-73;8:45 am]

[Ex Parte No. MC 67 (Sub-No. 1)]

MOTOR CARRIER TEMPORARY AUTHORITIES

JANUARY 9, 1973.

At the request of Harry C. Ames, Jr., representative of National Tank Truck Carriers, Inc., the time for filing representations in this proceeding has been extended from January 15, 1973, to February 20, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1006 Filed 1-16-73;8:45 am]

[Notice 3]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 11, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 305 TA), filed December 6, 1972. Applicant: SCHNEIDER TRANSPORT, INC., Post Office Box 2298, 54306, 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, from Secaucus, N.J., to Detroit, Pontiac, and Flint, Mich., and Toledo, Ohio; and *returned shipments*, from these Michigan points and Toledo to Secaucus, N.J., for 180 days. Supporting shipper: The J. L. Hudson Co., Detroit, Mich. 48226 (John A. Stein, traffic manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 52460 (Sub-No. 118 TA), filed December 6, 1972. Applicant: HUGH BREEDING, INC., Post Office Box 9515, 1420 West 35th, Tulsa, OK 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, from Tulsa, Okla., to points in Arkansas, for 180 days. Supporting shipper: Diamond Shamrock Chemical Co., E. E. Bracken,

[1] 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.

manager, Truck Transportation, 610 Euclid Avenue, Cleveland, OH 44114. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 94350 (Sub-No. 323 TA) (Correction), filed December 29, 1972, published in Notice Number 1, January 9, 1973, corrected and republished in part as corrected this issue. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Sr., (same address as above). NOTE: The purpose of this partial republication is to show the correct Sub-No. 323 TA, in lieu of Sub-No. 1 TA. The rest of the application remains the same.

No. MC 102567 (Sub-No. 159 TA), filed January 8, 1973. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from St. James, La., to Dallas, Tex., for 180 days. Supporting shipper: LaJet, Inc., Suite 200, Bank of Commerce Building, Abilene, Tex. 79605. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room T-9038 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 107496 (Sub-No. 870 TA), filed January 2, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, 50304, Des Moines, IA 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: *Liquid feed supplements*, in bulk, in tank vehicles, from Crete, Nebr., to Walterboro, S.C.; Lockport and New Orleans, La.; Kingsville, Bloomington, Sulphur Springs, and Dumas, Tex.; Prague, El Reno, and Thomas, Okla.; Cedarvale and Valley Center, Kans.; Greenwood, Miss.; Social Circle, Ga.; Walton, N.Y.; Hamilton, Va.; Selma and Demopolis, Ala.; and Cabot, Pa., for 150 days. Supporting shipper: Feed Service Corp., Crete, Nebr. 68333. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 112963 (Sub-No. 32 TA), filed January 2, 1973. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, enamel, sealers and thinners*, in bulk, in tank vehicles, from Templeton, Mass., to Torrington, Conn., for 180 days. Supporting shipper: Lilly Chemical Products, Inc., Athol Road, Templeton, Mass. 04168. Send protests to: G. Warren Flynn, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

No. MC 124078 (Sub-No. 535 TA), filed December 6, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, in bulk, from Cartersville, Ga., to Toledo, Ohio, for 180 days. Supporting shipper: Thompson, Weinman and Co., Post Office Box 130, Cartersville, GA 30120 (Willis S. Brunson, Traffic Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124781 (Sub-No. 4 TA), filed December 29, 1972. Applicant: UNITED FREIGHTWAYS, INC., 671 Chestnut Street, North Andover, MA 01845. Applicant's representative: George C. O'Brien, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Di-Calcium phosphate*, dry, in bulk, in pneumatic tank vehicles, from Peabody, Mass., to points in Maine, New Hampshire, and Vermont, for 180 days. Supporting shipper: Eastman Gelatine Corp., Peabody, Mass. 01960. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Boston, MA 02114.

No. MC 126905 (Sub-No. 2 TA), filed January 3, 1973. Applicant: TRANS-JERSEY AIRCRAFT SERVICE, INC., First and Baltimore Streets, Phillipsburg, N.J. 08865. Applicant's representative: Albert Beitel, 905 American Security Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to shipments having a prior or subsequent movement by air. Between LaGuardia Airport, N.Y., Kennedy International Airport, N.Y., Newark Airport, N.J., and Teterboro Airport, N.J., on the one hand, and, on the other, Hackettstown, N.J., and Washington Township, Morris County, N.J., for 180 days. Supporting shippers: Cooke Color & Chemical, Division of Reichhold Chemicals, Inc., Hackettstown, N.J. 07840; Frazier Industrial Co., Long Valley, N.J. 07853); Jakobsen Tool Co., 94 Rock Road, Long Valley, NJ 07853; KMC Semiconductor Corp., Parker Road, Long Valley, N.J. 07853; United States Radium Corp., Kings Highway, Box 409, Hackettstown, NJ 07840. Send protests to: District Supervisor Thomas W. Hopp, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 127415 (Sub-No. 1 TA), filed January 2, 1973. Applicant: GEORGE TAYLOR, doing business as G. TAYLOR TRUCKING, R.F.D. No. 2, Box 192 B, Mays Landing, NJ 08330. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard liners, paper and paper products, and partitions*, between Piermont, N.Y., and Vineland, N.J., and Pittsburgh, Pa., for 180 days. Supporting shipper: Cleveland Partition Corp., 843 Third Avenue, New York, NY 10017. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 127487 (Sub-No. 8 TA), filed December 29, 1972. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, NY 08030. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between the facilities of Transamerican Trailer Transport, Inc., Baltimore, Md., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Restriction: The operations authorized herein are subject to the following conditions: The authority granted herein is restricted to the transportation of traffic having an immediately prior or subsequent movement by water. The authority granted herein may not be combined with any other authority presently held by carrier for the purpose of providing a through service from or to points beyond the scope of the authority, for 150 days. Supporting shipper: Transamerican Trailer Transport, Inc., 358 St. Marks Place, Staten Island, NY 10301. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 133095 (Sub-No. 36 TA), filed January 2, 1972. Applicant: TEXAS CONTINENTAL EXPRESS, INC., 2603 West Euless Boulevard, Post Office Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, from Hammondsport, N.Y., to El Paso, Tex., for 180 days. Supporting shipper: Gold Seal Vineyards, Inc., Southwest Division Office, 13709 Brookgreen Circle, Dallas, TX 75240. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Oper-

ations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 133684 (Sub-No. 9 TA), filed December 18, 1972. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, WA 98422. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquors and advertising materials*, in connection therewith, from Los Angeles and San Francisco, Calif., to Olympia, Tacoma, and Vancouver, Wash., for 180 days. Supporting shippers: Lucky Breweries, Inc., 615 Columbia Street, Vancouver, WA 98660; O'Farrell Distributing Co., 540 East 15th Street, Tacoma, WA 98421; Capitol Beverages, Port of Olympia, Post Office Box 292, Olympia, WA 98507. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 135759 (Sub-No. 3 TA), filed January 2, 1973. Applicant: K & C TRANSPORTATION, INC., Ninth Floor, Loyalty Building, Portland, Oreg. 97204. Applicant's representative: Carol A. Hewitt, 1331 Southwest Broadway, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl, nylon, leather and canvas sport shoes*, from Beaverton, Oreg., to Holliston, Mass., for 180 days. Supporting shipper: Blue Ribbon Sports, 6175 Southwest 112th Avenue, Beaverton, OR 97005. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine, Portland, OR 97204.

No. MC 138230 TA, filed December 5, 1972. Applicant: CYNTHIA S. TRAYNER, doing business as DICK TRAYNER AND SONS TRUCKING, Wauregan Road, Canterbury, Conn. 06331. Applicant's representative: John E. Fay, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, bituminous concrete, sand, gravel, and mixed aggregates*, between Westerly, R.I., on the one hand, and, points in New London County, Windham County, Tolland County, New Haven County, and Middlesex County, Conn., on the other, for 150 days. Supporting shipper: Westerly Trucking Co., 35 High Street, Post Office Box 226, Westerly, RI 02891. Send protests to: David J. Kiernan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 High Street, Room 324, Hartford, CT 06101.

No. MC 138266 (Sub-No. 1 TA), filed December 29, 1972. Applicant: D W O TRANSPORT COMPANY, INC., Route 3, Box 475, Edgerton, WI 53534. Applicant's representative: David W. O'Morrow (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semitrailers, containers, trailer chassis, semitrailer chassis and container chassis*, from Edgerton, Wis., to points in Cook, Du Page, Kane, Lake, and Will Counties, Ill., for 180 days. Supporting shipper: Highway Manufacturing Co., division of MOTAC, Inc., 405 East Fulton Street, Post Office Box 256, Edgerton, WI 53534. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 138287 TA, filed December 26, 1972. Applicant: RICHARD D. TOWNSEND AND NORMA L. LEE, a partnership, doing business as CANNON MOVING AND STORAGE CO., 112 South Pile Street, Clovis, NM 88101. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, NM 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, between points in Curry, De Baca Guadalupe, Quay, and Roosevelt Counties, N. Mex.; Bailey and Parmer Counties, Tex. The service authorized herein is to be restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and deliver service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: William R Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1004 Filed 1-16-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-7943]

DUKE POWER CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 11, 1973.

Take notice that Duke Power Co., on January 2, 1973, tendered for filing proposed supplements in its electric power contract with Blue Ridge Electric Cooperative, Inc. (Blue Ridge). The proposed changes would reallocate the power and energy between Delivery Points 6 and 14. Total allocation will not change.

Duke has stated that no change of rate is involved in this filing and that agreement of Blue Ridge to the reallocation has been obtained. Finally, Duke requests waiver of the Commission's notice requirements to permit the changes to be effective as of December 20, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 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 January 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the offices of the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-983 Filed 1-16-73;8:45 am]

[Docket No. E-7944]

DUKE POWER CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 11, 1973.

Take notice that Duke Power Co. (Duke) on January 2, 1973, tendered for filing proposed supplements in its electric power contract with Laurens Electric Cooperative, Inc. (Laurens). The proposed changes would reallocate the power and energy between delivery points 6, 19, and 20, but total allocation would not change.

Duke states that no change in rate is involved in this filing, and that the requisite agreement of Laurens has been obtained. Finally, Duke requests waiver of the Commission's notice requirements to permit these changes to be effective as of December 20, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 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 January 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection in the offices of the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-984 Filed 1-16-73;8:45 am]

[Dockets Nos. G-8934, G-10008]

EL PASO NATURAL GAS CO.

Order[1] Setting Matter for Formal Hearing and Prescribing Procedure

JANUARY 9, 1973.

On November 30, 1970, El Paso Natural Gas Co. (El Paso) filed a petition in Dockets Nos. G-8934 and G-10008 to amend the orders of November 25, 1955 (14 FPC 157), and May 8, 1956 (15 FPC 1378) respectively, by authorizing El Paso to deliver to Union Carbide Nuclear Co. (Union Carbide) at Uravan, Colo., on a firm basis, quantities of natural gas of up to 23,700 therms per day at the rate of 4.20 cents per therm pursuant to an industrial gas sales contract dated August 1, 1970. El Paso is currently authorized in the instant dockets to sell a maximum quantity of 35,000 therms per day at a rate of 3.60 cents per therm to Union Carbide on an interruptible basis.

By letter filed with the Commission on January11, 1972, El Paso requested that Commission action on said petition be held in abeyance pending modification of the contractual arrangements between El Paso and Union Carbide.

On August 11, 1972, El Paso filed an amendment to said petition to amend. El Paso states that it has negotiated a new industrial gas sales contract with Union Carbide dated May 25, 1972, which cancels their contract of August 1, 1970. The new contract provides for firm deliveries of up to 1,120 therms daily at the rate of 4.20 cents per therm and deliveries of up to 22,580 therms daily on an interruptible basis at the rate of 3.8 cents per therm, in lieu of the previously agreed upon 23,700 therms daily on a firm basis. El Paso now requests therefor that the above referenced orders in Dockets Nos. G-8934 and G-10008 be amended only to the extent necessary to authorize deliveries to Union Carbide in accordance with this new contract. No additional facilities are required for the proposed service.

The new amendment to El Paso's earlier petition to amend was noticed in the FEDERAL REGISTER on August 24, 1972 (37 FR 17981). No protests or petitions to intervene have been filed in this proceeding.

El Paso states in its filing that the firm service to which Union Carbide will be entitled under the new contract, a maximum of 1,120 therms daily, will be utilized to satisfy space heating and other "human needs," both at the Uravan plant and in the town of Uravan. Uravan, Colo., is owned and managed by Union Carbide, and its residents work either at the main plant, at the nearby mines, or at one of the associated facilities. The interruptible supply of up to 22,580 therms daily will be used by Union Carbide, as available, for its industrial facilities. Union Carbide has recently reduced its need for gas for industrial purposes by installing alternate fuel standby facilities at a cost of approximately $180,000.

In view of the present critical gas supply shortage, any attachment of additional firm load as proposed herein can no longer be considered a matter of routine issuance of an amended certificate. We believe that a full evidentiary record should be developed to explore the public convenience and necessity issues involved before such a certificate can be issued. It is necessary to determine, among other things, what effect, if any, the proposed addition will have on El Paso's existing gas supply and on its ability to meet existing and future firm customer requirements on its system. Further, the "human needs" uses to which the firm gas will be put at both the Uravan plant and the town of Uravan must be evidenced on the record and the potential growth of these "human needs" requirements must be explored. Additionally, the feasibility of utilizing alternate fuels for "human needs" here must be investigated.

The Commission finds:

(1) 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 enter upon a hearing on the matters presented in El Paso's petition to partially convert interruptible industrial service to firm service.

The Commission orders:

(A) 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 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426 on February 7, 1973, concerning the matters involved in and the issues presented by this petition to amend.

(B) On or before January 22, 1973, El Paso shall prepare and file with the Commission and serve, on the presiding Administrative Law Judge and the Commission's staff, its direct testimony and exhibits in support of its petition.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose [see Delegation of Authority, 18 CFR 3.5(d)] shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-985 Filed 1-16-73;8:45 am]

[1] This order was adopted on Dec. 20, 1972, before Commissioner Walker left the Commission.

[Docket No. E-7734]

MID-CONTINENT AREA POWER POOL AGREEMENT

Notice of Application by Petitioners for Issuance of Subpenas for Production of Documentary Evidence

JANUARY 11, 1973.

Take notice that Petitioners (Alexandria Board of Public Works, et al.) on December 29, 1972, filed with the Commission an application for a subpena to compel production of documentary evidence by the persons below:

R. W. Steele, President, Interstate Power Co.
Duane Arnold, Chairman of the Board, Chief Executive Officer and President, Iowa Electric Light and Power Co.
Charles H. Whitmore, President and Chairman of the Board, Iowa-Illinois Gas and Electric Co.
Dwight H. Swanson, President and Chairman of the Board, Iowa Power & Light Co.
F. W. Griffith, Chairman of the Board and President, Iowa Public Service Co.
R. F. Brewer, President, Iowa Southern Utilities Co.
K. S. Austin, President, Lake Superior District Power Co.
S. Laskin, President and Chief Executive Officer, Minnesota Power & Light Co.
David M. Haskett, President, Montana-Dakota Utilities Co.
Robert H. Engels, President, General Manager and Chairman of the Board, Executive Officer, Northern States Power Co.
A. D. Schmidt, President, Northwestern Public Service Co.

The Application is on file with the Commission and is available for inspection. It has been or will be served on all parties to the proceeding. Responses to the Application must be filed by January 30, 1973.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-945 Filed 1-16-73;8:45 am]

[Docket No. E-7929]

TOLEDO EDISON

Notice of Proposed Changes in Rates and Charges

JANUARY 11, 1973.

Take notice that Toledo Edison (Toledo) on December 22, 1972, tendered for filing copies of the following rate schedules: Municipal Resale Service Rate—Small, and Municipal Resale Service Rate—Large. Toledo claims that the proposed changes would increase Toledo's revenues from jurisdictional sales and service by $494,747 based on a 1971 test year.

Toledo states that the proposed tariff is intended to be applicable to all of its municipal wholesale customers, all of whom are presently served under individual contracts on file with the Commission as follows:

Municipality:	FPC No.
City of Bowling Green, Ohio	5
Village of Bradner, Ohio	6
City of Bryan, Ohio	7
Village of Custar, Ohio	8
Village of Edgerton, Ohio	9
Village of Elmore, Ohio	10
Village of Genoa, Ohio	11
Village of Haskins, Ohio	12
Village of Liberty Center, Ohio	13
Village of Montpelier, Ohio	14
City of Napoleon, Ohio	15
Village of Oak Harbor, Ohio	16
Village of Pemberville, Ohio	17
Village of Pioneer, Ohio	18
Village of Woodville, Ohio	19

Toledo Edison says that it is replacing existing individual municipal wholesale agreements with the standardized rate tariffs transmitted herewith, thus permitting all wholesale municipal customers to be served under uniform rate

schedules. Toledo argues that increased rates are necessary in order to permit Toledo to absorb increased costs which cannot be recovered out of existing revenues, and in addition it will permit it to borrow funds at reasonable rates in order to carry out capital outlays to which it is committed in order to maintain an adequate supply of electric power to meet increasing demands. Toledo also argues that rate increases requested in this proceeding are designed to bring the wholesale municipal rates into line with the new rates granted by municipal ordinance and anticipated from the Public Utilities Commission of Ohio, so as to spread the increased cost of service more evenly over all customers.

Toledo states that no increase in the existing rates is anticipated until the expiration of the existing contracts applicable to each city. Toledo says that the fuel adjustment clause in the proposed tariff is, however, proposed to become applicable to the municipalities of Bradner, Custar, Edgerton, Elmore, Genoa, Haskins, Liberty Center, Oak Harbor, Pemberville, Pioneer, and Woodville upon the effective date of the new tariff resulting in a modest annual aggregate reduction of an estimated $10,200 to the foregoing municipalities whose rates are not being changed at this time.

Toledo says that the existing agreements with the municipalities of Bowling Green, Montpelier, and Napoleon have expired, and as to those municipalities, it is proposed that the effective date of the new tariff will be March 1, 1973, over sixty (60) days after the date of this filing. Toledo states that the new tariff is proposed to become effective as to all other municipalities upon the expiration dates of their respective current agreements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 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 January 22, 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.73-986 Filed 1-16-73;8:45 am]

[Docket No. R-441; Order No. 455]

MOBIL OIL CORP.

Letter Clarifying Specific Questions Concerning Optional Procedure for Certificating New Producer Sales of Natural Gas

The following letter has been sent to Mobil Oil Corp., Houston, Tex., by the Commission Secretary in response to questions regarding the relationship of Order No. 455, "Optional Procedure for Certificating New Producer Sales of Natural Gas," Docket No. R-441, issued August 3, 1972 (37 FR 16189, August 11, 1972), to the refund obligation discharge and contingent escalation provisions of two area rate decisions by the Commission:

This is in response to your letter of November 21, 1972, which requested clarification upon specific questions you have concerning Order No. 455, Optional Procedure for Certificating New Producer Sales of Natural Gas, Docket No. R-441, issued August 3, 1972.

We shall respond to your questions regarding the relationship of Order No. 455 to the refund obligation discharge and contingent escalation provisions of the area rate decisions in Opinions Nos. 595 and 598, seriatim:

1. If the first of a series of contingent escalations is triggered in a given area and the producer begins collecting additional revenue provided by the first escalation, may he later invoke the Order No. 455 optional procedure by waiving the remaining contingent escalations?

The answer to this question is in the affirmative, as it is only waiver of future escalations which the Commission requires for certification under Order No. 455.

2. If a producer invokes Order No. 455 and waives future contingent escalations after an initial escalation has been triggered, may he continue to collect the additional revenue provided by the first escalation?

Again the answer is affirmative, because the order does not require a retroactive downward adjustment. The producer will not be required to reduce prospectively the rates determined by the escalation triggered prior to certification under Order No. 455, nor will he be required to refund amounts collected at the escalated rate in effect prior to the waiver.

3. If a producer discharges all refund liabilities by commitments under the reserve dedication provisions of opinions Nos. 595 and 598, but at a later date invokes the optional procedure for certificating new sales under Order No. 455, will the producer then be required to forego the discharge under those provisions and make refunds in cash?

The answer to this question is in the negative.

We trust that the answers to your questions, although they may appear peremptory, are sufficient to enable you to proceed under the optional procedure. If you require a fuller explanation, please do not hesitate to request it.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-982 Filed 1-16-73;8:45 am]

[Docket No. G-3072, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order

JANUARY 8, 1973.

Findings and order[1] after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, making successors corespondent, and accepting, redesignating, and canceling FPC gas rate schedule in part.

Each Applicant herein has filed an application pursuant to section 7 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 or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, notices of intervention were filed and withdrawn by the Public Utilities Commission of California in Docket Nos. CI71-607, CI71-663, and CI72-78. No petitions to intervene, protests to the granting of the applications, or further notices of intervention have been filed.

At a hearing held on December 29, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience

[1] This order was adopted on Dec. 29, 1972, before Commissioner Walker left the Commission.

and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that certain successors in interest, who are herein authorized to continue sales of natural gas in interstate commerce, should be made corespondents in their predecessors' rate proceedings.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates, for sales authorized herein to be continued under new or amended certificates, should be amended by deleting therefrom authorization to sell gas.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant in Docket No. CI73-88 should be made a corespondent in its predecessor's rate proceedings in Docket Nos. RI70-171 and RI70-198.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in various dockets are amended by adding thereto or deleting therefrom authorization to sell natural gas or by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) Applicants in the dockets indicated shall charge and collect the following rates, subject to B.t.u. adjustment where applicable:

Docket No.	Rate (cents per Mcf)	Pressure base (p.s.i.a.)
CI71-607	27.0	14.65
CI71-663	26.5	14.65
CI72-78	27.0	14.65
CI72-837	[1] 18.0	14.65
	[2] 19.0	14.65
CI72-838	26.0	15.025
CI72-839	[3] 22.25	15.025
	[4] 26.0	15.025
CI72-850	26.0	15.025
CI73-58	[5] 17.01586	14.65
CI73-62	21.5	14.65
CI73-86	24.0	15.025

[1] From Dec. 31, 1969, to July 6, 1970.
[2] After July 6, 1970.
[3] For sales of all gas from initial delivery to Aug. 18, 1972, and thereafter for sales of gas from reservoirs discovered prior to Oct. 1, 1968.
[4] After Apr. 18, 1972, for sales from reservoirs discovered after Oct. 1, 1968.
[5] From Dec. 31, 1969, to May 1, 1971; and applicant may charge and collect the proposed rate thereafter.

(F) Within 90 days from the date of this order, Applicants in Dockets Nos. CI71-185, CI72-752, CI72-825, CI72-837, CI73-48, CI73-49, CI73-56, CI73-58, CI73-59, CI73-62, and CI73-89 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion Nos. 586, 595, 598, and 607 as applicable.

(G) Within 90 days from the date of initial delivery, Applicants in Dockets Nos. CI72-838, CI72-839, and CI72-850 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 598.

(H) The certificates and certificate authorization granted in Dockets Nos. CI71-185, CI72-752, CI72-825, CI72-837, CI72-838, CI72-839, CI72-850, CI73-48, CI73-49, CI73-56, CI73-58, CI73-59, CI73-62, and CI73-89 are subject to the Commission's findings and orders accompanying Opinion Nos. 586, 586-A, 595, 595-A, 598, 598-A, 607, and 607-A, as applicable. If the quality of the gas deviates at any time from the quality standards set forth in the Regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(I) The certificates granted in Dockets Nos. CI71-607 and CI72-78 are subject to § 2.71 of the Commission's General Policy and Interpretations establishing charges for transporting liquids and liquefiable hydrocarbons.

(J) The rates for the sales authorized in Dockets Nos. CI71-607, CI71-663, and CI72-78 are subject to prospective modification upon conclusion of the proceeding pending in Docket No. AR70-1, et al.

(K) Applicant in Docket No. CI73-88 is made a co-respondent in the proceedings pending in Dockets Nos. RI70-171 and RI70-198. Applicant shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(L) Applicant in Docket No. CI72-850 shall not substitute reserves pursuant to section 3(e) of its contract without having first secured authorization from the Commission.

(M) Section 154.93 of the regulations under the Natural Gas Act is waived to permit the acceptance for filing as a rate schedule the contract submitted by Applicant in Docket No. CI73-86 which may permit the sale of the Federal Government's royalty share of the gas at a price in excess of the otherwise applicable rate. Any rate change based on this pricing provision is subject to suspension under section 4 of the Natural Gas Act.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [1]		
			Description and date of document	No.	Supp.
G-3072 D [2]	Humble Oil & Refining Co.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Starr County, Tex.	Notice of partial cancellation 3-7-72 [3] (Cancels FPC gas rate Schedule No. 11 in part). (Effective date: 3-1-72) [3]	11	44
G-3200 [4]	Amoco Production Co.	Columbia Gas Transmission Corp., Church Point-Northwest Branch Field, Acadia Parish, La.	Assignment 12-31-69 [5] (Effective date: 12-31-69)	174	2
G-4064 [4]	do	United Gas Pipe Line Co., Blanconia Field, Bee County, Tex.	Assignment 12-31-69 [5] (Effective date: 12-31-69)	10	20

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [1] Description and date of document	No.	Supp.
G-4623 D 1-10-72	Amoco Production Co. (Operator), et al.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Carthage Field, Panola County, Tex.	(2)		
G-4899 [4]	Amoco Production Co	United Gas Pipe Line Co., Red Fish Bay Field, San Patricio and Nueces Counties, Tex.	Assignment 12-30-71 [5]	79	20
			Assignment 1-28-72 [5]	79	21
			Assignment 12-30-71 [5]	79	22
			Assignment 1-28-72 [5]	79	23
			Assignment 12-30-71 [5]	79	24
			Assignment 1-28-72 [5] (Effective date: 12-31-69)	79	25
G-5711 [4]	do	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Heyser Field, Victoria County, Tex.	Assignment 12-31-69 [10] (Effective date: 12-31-69)	61	12
G-7485 D [11]	Amoco Production Co. (Operator), et al.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	Assignment 12-31-69 [12] (Effective date: 12-31-69) [3]	130	11
G-7503 [4]	Amoco Production Co	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Riverside-O'Neil Field, Nueces and San Patricio Counties, Tex.	Assignment 12-31-69 [13] (Effective date: 12-31-69)	138	13
G-7522 D 5-17-72	do	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Chesterville Field, Colorado County, Tex.	Contract 4-1-72 [14] (Effective date: 6-26-72 [15])	98	15
G-11995 D 3-22-72	Mobil Oil Corp	United Gas Pipe Line Co., Cameron Meadows, et al. Fields, Cameron Parish, La.	Notice of partial Cancellation 3-17-72 [16] (Cancels FPC gas rate Schedule No. 69 in part).	69	33
G-15188 D 1-13-72 [6]	Amoco Production Co. (Operator), et al.	Panhandle Eastern Pipe Line Co., South Greenough Field, Beaver County, Okla.	Assignment 12-31-69 [14] (Effective date: 12-31-69) [3]	228	13
G-16364 D [4,6]	Amoco Production Co	Mountain Fuel Supply Co., Trail Unit Area, Sweetwater County, Wyo.	Assignment 12-31-69 [14]	251	6
CI61-813 D [6]	Amoco Production Co. (Operator), et al.	Transwestern Pipeline Co., Feldman South Field, Hemphill County, Tex.	Assignment 12-31-69 [14] (Effective date: 12-31-69) [3]	295	12
CI66-79 E 6-5-72	Nomac Oil Co., Inc	Cities Service Gas Co., Palmer Field, Barber County, Kans.	Skelly Oil Co. FPC Gas rate Schedule No. 207 and supplements Nos. 1-2 thereto	2 2	1-2
			Notice of succession 3-31-72.		
			Assignment 3-28-72 [17] (Effective date: 4-1-72) [3]	2	3
CI66-1329 D [6]	Cities Service Oil Co	Northern Natural Gas Co., Acreage in Ellis County, Okla.	Assignment 1-1-72 [18] (Effective date: 1-1-72) [3]	212	5
CI71-185 E 6-15-72	Clay J. Calhoun	United Gas Pipe Line Co., Learned Field, Hind City, Miss.	Shell Oil Company FPC gas rate Schedule No. 381.	1	
			Supplement Nos. 1-3, thereto.	1	1-3
			Notice of Succession 6-14-72.		
			Assignment 4-5-72	1	4
			Assignment 4-24-72 [19]	1	5
CI71-607 A 2-24-71 [20]	The Louisiana Land and Exploration Co.	Transwestern Pipeline Co., Acreage in University Land, et al., Surveys, Winkler and Ward Counties, Tex.	Contract 2-11-71 [21] [22] (Effective date: Date of initial delivery).	8	
CI71-663 A 3-15-71	Phillips Petroleum Co	El Paso Natural Gas Co., Lusk Field, Lea County, N. Mex.	Contract 2-19-71 [23] (Effective date: Date of initial delivery).	485	
CI71-663 C 8-26-71	do	El Paso Natural Gas Co., Lusk Field, Chaves and Lea Counties, N. Mex.	Supplemental agreement 7-13-71. (Effective date: Date of initial delivery).	485	8
CI72-78 A 8-2-71	Cities Service Oil Co	Transwestern Pipeline Co., South Carlsbad Area, Eddy County, N. Mex.	Contract 7-16-71 [22] (Effective date: Date of initial delivery).	345	
CI72-732 F 8-22-72	Clinton Oil Co	United Gas Pipe Line Co., Red Fish Bay Field, Nueces County, Tex.	Contract 10-28-53 [24]	102	
			Agreement 10-28-53	102	1
			Agreement 3-20-62	102	2
			Assignment 12-31-69 [25]	102	3
			Assignment 1-28-72 [5]	102	4
			Assignment 1-28-72 [5]	102	5
			Assignment 1-28-72 [5] (Effective date: 12-31-69) [3]	102	6
CI72-825 F 6-8-72	Amoco Production Co	Northern Natural Gas Co., Northeast Gage Field, Ellis County, Okla.	Contract 5-24-66 [26]	586	
			Assignment 1-1-72 [26] (Effective date: 1-1-72) [3]	586	1
CI72-837 F 6-16-72	Clinton Oil Co	Transwestern Pipeline Co., Feldman South Field, Hemphill County, Tex.	Contract 9-26-60 [22]	112	
			Letter agreement 10-12-64	112	1
			Assignment 12-31-69 [14] (Effective date: 12-31-69) [3]	112	2
CI72-838 A 5-14-72	Exchange Oil & Gas Corp. (Operator), et al.	Texas Gas Transmission Corp., Block 28 Field, Ship Shoal Area, offshore Louisiana.	Contract 4-17-72 [27]	28	
			Compliance 8-8-72 [28] (Effective date: Date of initial delivery).	28	1
CI72-839 F 6-14-72	do	do	Ratification 1-5-72 [22]	24	
			Contract 6-1-67 [22]	24	1
			Assignment 11-1-71 [22]	24	2
			Assignment 11-1-71 [22]	24	3
			Amendment 4-6-72 [22]	24	4
			Letter agreement 5-12-72 (Effective date: date of initial delivery).	24	5
CI72-850 A 6-21-72	The California Co., a division of Chevron Oil Co.	do	Contract 5-12-72 [22]	74	
			Letter agreement 5-15-72 [22] (Effective date: Date of initial delivery).	74	1
CI72-860 D 5-14-72	American Petrofina Co. of Texas.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Letter agreement 7-18-72 [29].	81	1
CI72-874 6-26-72 [30]	Continental Oil Co	Cities Service Gas Co., Southeast Eureka Area, Alfalfa County, Okla.	Contract 10-29-57 [31] (Effective date: 5-2-71) [31]	384	
CI73-48 F 7-20-72	Clinton Oil Co	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Heyser Field, Victoria County, Tex.	Contract 5-1-53 [32]	106	
			Agreement 5-1-54	106	1
			Agreement 6-4-63	106	2
			Agreement 1-21-64	106	3
			Quality statement 6-16-71	106	4
			Assignment 12-31-69 [33] (Effective date: 12-31-69) [3]	106	5

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [1]		
			Description and date of document	No.	Supp.
CI73-49 F 7-20-72	do	United Gas Pipe Line Co., Blanconola Field, Bee County, Tex.	Contract 11-1-45 [2]	108	
			Amendment 11-1-45	108	1
			Agreement 11-1-45	108	2
			Agreement 11-1-45	108	3
			Agreement 1-18-50	108	4
			Agreement 8-31-54	108	5
			Agreement 8-30-51	108	6
			Letter agreement 1-28-55	108	7
			Letter agreement 10-1-54	108	8
			Amendment 8-4-55	108	9
			Amendment 8-25-58	108	10
			Letter agreement 7-23-59	108	11
			Letter agreement 9-15-61	108	12
			Amendment 5-26-66	108	13
			Quality statement 6-15-71	108	14
			Assignment 12-31-69 [3]	108	15
			(Effective date: 12-31-69) [4]		
CI73-58 F 7-21-72	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Riverside Field, Nueces County, Tex.	Contract 11-30-45 [5]	107	
			Agreement 2-5-46	107	1
			Amendment 7-18-47	107	2
			Amendment 3-9-48	107	3
			Agreement 1-2-51	107	4
			Quality statement 6-13-71	107	5
			Assignment 12-31-69 [6]	107	6
			(Effective date: 12-31-69) [4]		
CI73-58 F 7-24-72	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	Contract 1-1-54 [7]	110	
			Amendment 6-28-54	110	1
			Amendment 1-21-69	110	2
			Assignment 12-31-69 [8]	110	3
			(Effective date: 12-31-69) [4]		
CI73-59 F 7-24-72	do	Columbia Gas Transmission Corp., Northwest Branch Field, Acadia Parish, La.	Contract 10-5-53 [9]	109	
			Letter agreement 1-28-57	109	1
			Letter agreement 1-24-57	109	2
			Letter agreement 9-30-64	109	3
			Quality statement 8-2-71	109	4
			Assignment 12-31-69 [10]	109	5
			(Effective date: 12-31-69) [4]		
CI73-62 A 7-24-72	Phillips Petroleum Co.	Northern Natural Gas Co., Kiowa Creek Field, Lipscomb and Ochiltree Counties, Tex.	Contract 6-19-72 (Effective date: Date of initial delivery).	810	
CI73-86 A 8-7-72	Amoco Production Co.	El Paso Natural Gas Co., Ute Dome Dakota Field, San Juan County, N. Mex.	Contract 6-27-72 (Effective date: Date of initial delivery).	588	
CI73-88 F 8-7-72	Clinton Oil Co.	Mountain Fuel Supply Co., Trail Unit Area, Sweetwater County, Wyo.	Contract 4-7-58 [11]	105	
			Letter agreement 8-30-58	105	1
			Assignment 12-31-69 [12]	105	2
			(Effective date: 12-31-69) [4]		
CI73-89 F 8-4-72	do	Panhandle Eastern Pipe Line Co., South Greenough Field, Beaver County, Okla.	Contract 3-5-58 [13]	111	
			Amendment 12-21-65	111	1
			Assignment 12-31-69 [14]	111	2
			(Effective date: 12-31-69) [4]		

[1] No certificate filing required. 18 CFR 2.64. Undeveloped acreage assigned to Joseph P. Mueller, certificate holder in Docket No. CS71-360.
[2] Includes assignment dated 3-28-72, whereby Humble Oil & Refining Co. assigned to Joseph P. Mueller.
[3] Effective date of transfer of producing properties.
[4] No certificate filing required. 18 CFR 2.64.
[5] Assigns acreage from Amoco Production Co. to Clinton Oil Co. Clinton filed a partial succession application in Docket No. CI73-59 which is included in this tabulation.
[6] Assigns acreage from Amoco Production Co. to Clinton Oil Co. Clinton filed a partial succession application in Docket No. CI73-49 which is included in this tabulation.
[7] No rate filing necessary. The contract dated 2-21-47 covering all formation expired 12-31-70. The new contract dated 6-7-71, dedicates depths above base of Travis Sand while the nonproductive deeper depths are not now covered by a contract. The new contract is on file as supplement No. 1 to supplement No. 18 to Amoco's FPC gas rate Schedule No. 72.
[8] Assigns acreage from Amoco Production Co. to Clinton Oil Co. Clinton filed a partial succession application in Docket No. CI73-762 which is included in this tabulation.
[9] Reassigns acreage from below 9,621 feet back to Amoco.
[10] Assigns acreage from Amoco Production Co. to Clinton Oil Co. Clinton filed a partial succession application in Docket No. CI73-48 which is included in this tabulation.
[11] (Omitted)
[12] Where no effective date is shown, it is the date of this order.
[13] No certificate filing required. 18 CFR 2.64. Assignee's succession filing in Docket No. CI73-58 is included in this tabulation.
[14] From Pan American Petroleum Corp. to Clinton Oil Co.
[15] Assigns acreage from Amoco Production Co. to Clinton Oil Co. Clinton filed a partial succession application in Docket No. CI73-88 which is included in this tabulation.
[16] Assigns acreage from Amoco Production Co. to Clinton Oil Co. Clinton filed a partial succession application in Docket No. CI73-56 which is included in this tabulation.
[17] Leases released to landowner or sellers.
[18] Expiration of statutory notice period.
[19] Includes assignment dated 2-8-72. Mobil assigned previously nonproductive acreage to Cleveo Exploration, Inc. Cleveo operates under a small producer certificate issued in Docket No. CS71-550.
[20] Assigns certain acreage to Clinton Oil Co.
[21] Conveys interest from Skelly Oil Co. to applicant.
[22] Conveys interest from Cities Service Oil Co. to Amoco Production Co. Amoco's filing in Docket No. CI72-825 is included in this tabulation.
[23] Already accepted for filing.
[24] By letter dated 6-8-72, applicant agreed to accept permanent certificate at 27 cents.
[25] Provides that seller has option to process the gas prior to delivery or at a point on buyer's pipeline.
[26] Provides that during the first 5 contract years buyer shall take or pay for all available casinghead gas and 20,000 M.c.f. per day per well of gas-well-gas. Thereafter the contract quantity shall consist of 1,000 M.c.f. of gas-well-gas for each 5,000,000 Mc.f. of seller's gas-well resources.
[27] Provides that buyer will take or pay for all available residue from processing of gas-well gas. This amount initially set at 10,000 Mcf. per day.
[28] Provides for possible transportation of liquefiable hydrocarbons by buyer.
[29] Contract between Amoco Production Co. and United Gas Pipe Line Co. on file as Amoco Production Co. FPC gas rate Schedule No. 79.
[30] Assigns acreage from Amoco to applicant.
[31] [Omitted].
[32] [Omitted].
[33] [Omitted].
[34] Currently on file as Cities Service Oil Co. FPC gas rate Schedule No. 212.
[35] Conveys interest from Cities to applicant.
[36] Currently on file as Amoco Production Co. FPC gas rate Schedule No. 295.
[37] Applicant agreed to accept a permanent certificate at 26 cents.
[38] Deletes Burrough Coma No. 2 well, which is covered under applicant's FPC gas rate Schedule No. 16.
[39] [Omitted].
[40] Applicant's interest previously covered by Davon Drilling Co. (Operator) et al., FPC gas rate Schedule No. 1 and the certificate issued in Docket No. G-13798. Davon received a small producer certificate in Docket No. CS71-206 which did not include sales from applicant's interest.
[41] Formerly on file as Davon Drilling Co. (Operator) et al., FPC gas rate Schedule No. 1.
[42] Effective date of operator's small producer authorization.
[43] Contract between Old Ocean Oil Co. and Tennessee Gas Pipeline Co., a division of Tenneco Inc. Currently on file as Amoco Production Co. FPC gas rate Schedule No. 64.
[44] Contract between Stanolind Oil and Gas Co. and United Gas Pipe Line Co. on file as Amoco Production Co. FPC gas rate Schedule No. 10.
[45] [Omitted].
[46] Contract between Stanolind Oil and Gas Co. and Tennessee Gas Pipeline Co. on file as Amoco Production Co. FPC gas rate Schedule No. 138.
[47] Currently on file as Amoco Production Co. (Operator) et al., FPC gas rate Schedule No. 130.
[48] Contract between Pan American Production Co., United Fuel Gas Co. and Gulf Interstate Gas Co., on file as Amoco Production Co. FPC gas rate Schedule No. 174.
[49] Currently on file as Amoco Production Co. FPC gas rate Schedule No. 251.
[50] Currently on file as Amoco Production Co. (Operator) et al., FPC gas rate Schedule No. 223.

[FR Doc.73-826 Filed 1-16-73;8:45 am]

NATIONAL COMMISSION ON MATERIALS POLICY

PREPARATION OF COMMISSION'S FINAL REPORT

Notice of Closed Meeting

JANUARY 16, 1973.

Pursuant to the requirements of the Federal Advisory Committee Act, notice is hereby given that there will be a meeting of the National Commission on Materials Policy on Thursday, January 18, 1973, at 10 a.m. The meeting will be held in the Commission's offices, Room 3002, 2025 M Street NW., Washington, DC. The meeting will be held for the purpose of reviewing reports prepared for the Commission by staff members and by various persons and groups outside the Government, and for the purpose of preparing the Commission's final report to the Congress and the President. The meeting will not be open to the public.

JAMES BOYD,
Executive Director.

[FR Doc.72-1131 Filed 1-16-73;12:03 pm]

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Volume 38 ■ Number 11

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Interim Regulation

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

PART 6—PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Interim Regulations

The National Environmental Policy Act of 1969, implemented by Executive Order 11514 and the Council on Environmental Quality's Guidelines of April 23, 1971, requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of the Act is to build into the Agency decisionmaking process an appropriate and careful consideration of all environmental aspects of proposed actions.

On January 20, 1972 (37 FR 879), the Environmental Protection Agency published as proposed rule making a new part 6 establishing agency policy and procedures for the identification and analysis of the environmental impact of agency actions, and the preparation and processing of environmental impact statements when significant impacts on the environment are anticipated. The proposed part 6 was a summary of the Agency's procedures.

As a result of public comment on the summary, the Agency has revised its procedures and is now publishing them in their entirety as an interim regulation. Because the public has not seen the complete procedures and because of the significant changes made, we are again inviting public comment. Final regulations will be published after receipt and consideration of the comments.

Environmentally protective regulatory activities have been specifically excluded from this interim regulation pending the outcome of certain judicial appeals and an internal EPA study of its regulatory activities.

The Environmental Protection Agency invites all interested persons who desire to submit written comments or suggestions concerning the preparation of final regulations to do so in triplicate to the Office of Federal Activities, Environmental Protection Agency, Washington, DC 20460. Such submissions should be received by April 15, 1973, to allow time for appropriate consideration and possible inclusion in the final regulations. Copies of the submissions will be available for examination by interested persons in the Public Information Office, Room W329, Waterside Mall, Fourth and M Streets, SW., Washington, DC.

Effective date. This regulation will become effective February 16, 1973.

Dated: January 10, 1973.

ROBERT W. FRI,
Acting Administrator.

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AUTHORITY: Secs. 102, 103, 83 Stat. 854.

Subpart A—General

§ 6.10 Purpose and policy.

(a) The National Environmental Policy Act of 1969, implemented by Executive Order 11514 and the Council on Environmental Quality's Guidelines of April 23, 1971 (36 FR 7724), requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of the Act is to build into the agency decisionmaking process an appropriate and careful consideration of all environmental aspects of proposed actions.

(b) This part establishes Environmental Protection Agency policy and procedures for the identification and analysis of the environmental impact of Agency actions, and the preparation and processing of environmental impact statements when significant impacts on the environment are anticipated.

§ 6.11 Definitions.

(a) "Environmental assessment" is a written analysis submitted to the Agency by its grantees or contractors describing the environmental impacts of actions undertaken with the financial support of the Agency.

(b) "Environmental review" is a formal evaluation undertaken by the Agency to determine whether a proposed Agency action may have a significant impact on the environment.

(c) "Notice of intent" is a memorandum announcing to Federal, State, and local agencies, and to interested persons,

that a draft environmental impact statement will be prepared and processed.

(d) "Environmental impact statement" is a report, prepared by the Agency, which identifies and analyzes in detail the environmental impacts of an Agency action.

(e) "Negative declaration" is a written announcement, prepared subsequent to the environmental review, which states the Agency has decided not to prepare an environmental impact statement.

(f) "Environmental impact appraisal" is an abbreviated document, based on an environmental review, which supports a negative declaration. It describes a proposed Agency action, its expected environmental impact, and the basis for the conclusion that no significant impact is anticipated.

(g) "Responsible official" will usually be either a Regional Administrator or a Deputy Assistant Administrator. He is responsible for assuring that environmental reviews are conducted and, if necessary, that environmental impact statements and other associated documents are prepared. "Responsible officials" are identified for the various Agency program offices in the subparts following Subpart D.

(h) "Interested persons" are individuals, groups, organizations, corporations, or other nongovernmental units, including an applicant for an Agency contract or grant and conservation groups, who may be interested in, affected by, or technically competent to comment on the environmental impact of the proposed Agency action.

§ 6.12 Summary of the environmental impact statement process.

(a) Environmental review. An environmental review shall be made of proposed and certain ongoing actions (as required in § 6.13(c)) of the Environmental Protection Agency. This process shall consist of a study of the program or project, identifying and evaluating the expected and potential environmental impacts of the action. The purpose of this review is to determine whether any significant impacts are anticipated and if an environmental impact statement is required. The Agency has overall responsibility for this review, although its grantees and contractors will contribute to the review through environmental assessments they have submitted. (Types of grants, contracts, and other actions requiring such assessments are specified in the subparts following Subpart D of this part.)

(b) Notice of intent and impact statements. Where the environmental review indicates significant environmental impacts, a notice of intent shall be published, and a draft environmental impact statement shall be prepared and distributed. After external coordination and evaluation of the comments received, a final environmental impact statement shall be prepared and distributed.

(c) Negative declaration and environmental impact appraisal. When the environmental review does not indicate any significant impacts, a negative declaration to this effect shall be issued. For the cases specified in the subparts following Subpart D of this part, an environmental impact appraisal shall be prepared, which summarizes the impacts, alternatives, and the reasons an impact statement was not prepared. It shall remain on file and shall be available for public inspection.

(d) The environmental impact statement process is shown graphically in Exhibit 1.

§ 6.13 Applicability.

(a) *Actions covered.* This part applies to:

(1) All Agency legislative proposals;

(2) Favorable reports on legislation initiated elsewhere and not accompanied by an impact statement, provided it is not excluded in paragraph (b)(4) and (5) of this section;

(3) Direct Agency activities;

(4) Activities of its grantees and contractors that are financially supported in whole or in part by the Agency, except as noted in paragraph (b) of this section.

(b) *Actions excluded.* The following Agency actions are not subject to the requirements of this part:

(1) Administrative procurements (e.g., general supplies);

(2) Contracts for consulting services;

(3) Personnel actions;

(4) Legislative proposals originating in another Agency;

(5) Legislative proposals not relating to or affecting the matters within EPA's primary areas of responsibility;

(6) Environmentally protective regulatory activities.

(c) *Retroactive application.* This regulation shall apply to uncompleted and continuing Agency actions initiated prior to the promulgation of these procedures when substantial funds have not been released and modifications of or alternatives to the Agency action are still available. An environmental impact statement shall be prepared for each project found to have significant environmental consequences, as determined in accordance with § 6.20.

(d) *Application to legislative proposals.* Except as noted in paragraphs (b)(4) and (5) of this section, environmental impact statements shall be prepared for legislative proposals or favorable reports relating to legislation. Because of the nature of the legislative process, impact statements for legislation must be prepared and reviewed in accordance with the procedures followed in the development and review of the legislative matter. These procedures are described in Office of Management and Budget Circular No. A–19; separate procedures, therefore, have not been provided in this part. Where appropriate, legislative statements will contain the information required in § 6.32.

(e) *Application to annual budget estimates.* An annual listing of those Agency actions which will require the preparation of environmental impact statements shall be compiled each year as specified in Office of Management and Budget Bulletin No. 72–6. Agency components shall submit with their budget estimates a listing of those projects for which they expect to prepare impact statements. Applicable portions of Subpart B of this part shall be utilized to review projects to determine if they will have a significant impact.

§ 6.14 General responsibilities.

(a) *Responsible official.* (1) Requires contractors and grantees to submit environmental assessments and assures environmental reviews are conducted on proposed Agency projects at the earliest practicable point in the Agency's project formulation process.

(2) When required, assures that draft statements are prepared and distributed at the earliest practicable point in the Agency's project formulation process, their internal and external review is coordinated, and final statements are prepared and distributed.

(3) When an impact statement is not prepared, assures that negative declarations and environmental appraisals are prepared and distributed for those actions requiring them.

(b) *Office of Federal Activities.* (1) Provides Agencywide policy guidance and assures that Agency components establish and maintain adequate administrative procedures to comply with this part.

(2) Monitors the overall timeliness and quality of the Agency effort to comply with this part.

(3) Provides assistance to "responsible officials" as required.

(4) Coordinates the training of personnel involved in the review and preparation of environmental impact statements.

(5) Acts as Agency liaison with the Council on Environmental Quality and other Federal and State entities on matters of Agency policy and administrative mechanisms to facilitate external review of Agency environmental impact statements, to determine lead Agency, and to improve the uniformity of the NEPA procedures of Federal agencies.

(6) Advises the Administrator and Deputy Administrator on projects which involve more than one Agency component, are highly controversial, are nationally significant, or "pioneer" Agency policy, when these projects have had or should have an environmental impact statement prepared on them.

(c) *Office of Public Affairs.* (1) Assists the Office of Federal Activities and "responsible officials" by answering the public's queries on the impact statement process and on specific impact statements, and by directing requests for copies of specific documents to the appropriate regional office or program.

(2) Analyzes the present procedures for public participation, and develops and recommends to the Office of Federal Activities a program to improve those procedures and increase public participation.

(d) *Regional Office Division of Public Affairs.* (1) Assists the "responsible official" or his designee on matters pertaining to negative declarations, notices

of intent, press releases, and other public notification procedures.

(2) Assists the responsible official or his designee by answering the public's queries on the impact statement process and on specific impact statements, and by filling requests for copies of specific documents.

(e) *Office of Legislation.* Provides the necessary liaison with Congress.

(f) *Offices of the Assistant Administrators and Regional Administrators.* (1) Provide specific policy guidance to their respective offices and assure that those offices establish and maintain adequate administrative procedures to comply with this part.

(2) Monitor the overall timeliness and quality of their respective component's efforts to comply with this part.

(3) Act as liaison between their components and the Office of Federal Activities and between their components and other Assistant Administrators or Regional Administrators on matters of agencywide policy and procedures.

(4) Advise the Administrator and Deputy Administrator, through the Office of Federal Activities, on projects or activities within their respective areas of responsibility which involve more than one Agency component, are highly controversial, are nationally significant or "pioneer" Agency policy, when these projects have had or should have an environmental impact statement prepared on them.

(g) *Budget Operations Division, Office of Resources Management.* The Budget Operations Division, Office of Resources Management, prepares from the submission of Agency components a listing of those Agency actions, covered by the budget estimates, which will require the preparation of environmental impact statements, as specified in Office of Management and Budget Bulletin No. 72-6 (see § 6.13(e)).

(h) *The Office of Legislation.* The Office of Legislation coordinates the preparation of impact statements required on legislative proposals or reports on legislation (see § 6.13(d)).

§ 6.15 Timing for proposed Agency actions on which impact statements are to be prepared.

(a) Except when requested by the "responsible official" in writing and approved by the Council on Environmental Quality, no administrative action shall be taken sooner than ninety (90) calendar days after a draft statement has been distributed or sooner than thirty (30) calendar days after the final statement has been distributed. If the final statement is filed within ninety (90) calendar days after the draft statement has been circulated and made public, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

(b) Administrative action shall be interpreted as an Agency award of a grant or contract, or actual physical commencement of a project or activity undertaken with inhouse funds (intramural project).

Subpart B—Procedures

§ 6.20 Guidelines for determining when to prepare an impact statement.

The following general guidelines shall be used when reviewing an Agency action to determine if it will have a significant impact on the environment and therefore require an impact statement.

(a) *Significant environmental effects.* (1) Actions having both beneficial and detrimental effects may be classified as having significant effects on the environment even if, on balance, the Agency believes that the net effect will be beneficial. Impact statements should be prepared first on those proposed actions with the most adverse effects.

(2) Significant effects should include both primary and secondary consequences of short term and long term duration. Secondary consequences result from activities encouraged or induced by the Agency action. Long term effects should be given particular attention in the determination of significant effects.

(3) The total expected environmental impact of precedent-setting actions and individually small but cumulatively large actions shall be identified and considered fully. If the Agency is taking a number of minor, environmentally insignificant actions that are similar in execution and purpose, especially when they are taken during a limited time span and in the same general geographic area, the cumulative environmental impact of all of these actions, may be significant.

(b) *Controversial actions.* An environmental impact statement shall be prepared and processed when the environmental impact of an Agency action is likely to be highly controversial.

§ 6.21 Environmental review.

(a) Proposed and certain ongoing Agency actions as specified in § 6.13(c) shall be subjected to an environmental review. This review shall be a continuing one and should commence at the earliest possible point in the development of the project. It shall consist of a study of the proposed program or project which identifies and evaluates the expected and potential environmental impacts of the action and alternatives to it. It will determine whether a significant impact is anticipated from the proposed action. The outcome of an environmental review will be either the preparation of an impact statement or preparation of a negative declaration.

(b) When making this determination, a general class of actions occurring within a common time frame may be treated as a single action if their individual environmental effects and alternatives are substantially similar.

(c) To assist the "responsible official" in reviewing the proposed action, applicants for a grant or contract may be required to submit with their original application an environmental assessment. The types of grants and contracts requiring such assessments are specified in the subparts following Subpart D of this part. The Agency may also request additional environmental data or analyses to supplement the assessment. Although the assessment and data may be utilized by the Agency in the preparation of an impact statement or environmental impact appraisal, responsibility for the technical accuracy of such information rests with the Agency.

§ 6.22 Notice of intent.

(a) *General.* (1) When an environmental review indicates a significant impact will occur, a notice of intent, announcing the preparation of a draft impact statement, shall be issued by the "responsible official." The notice shall briefly describe the Agency action, its location and the issues involved (see Exhibit 2). Such a notice should be submitted immediately after completion of an environmental review that indicates a significant impact. Notices of intent should be sent to interested persons who might be interested in receiving a copy of an impact statement. Those who request a copy of a particular draft impact statement will be sent one at the same time as those interested persons who are routinely sent copies of all impact statements.

(2) The purpose of a notice of intent is to involve other Government agencies and interested persons as early as possible in the planning and evaluation of Agency actions which embody significant environmental impacts. This device should facilitate coordination during the preparation of a draft impact statement and assure that environmental values will be identified and weighed from the outset, rather than accommodated by adjustments at the end of the decision-making process.

(b) *Specific actions.* The specific actions that should be taken with respect to notices of intent are as follows:

(1) When the review process indicates there will be a significant impact, prepare a notice of intent as soon as practicable.

(2) Forward copies of the notice of intent to:

(i) The appropriate State and local agencies and to the appropriate State, regional, and metropolitan clearinghouses.

(ii) Potentially interested persons.

(iii) The Office of Federal Activities and to the Office of Public Affairs.

(iv) The Headquarters impact statement coordinator for the program office originating the statement. When the originating office is a regional office and the action is related to water quality management, the copies should be forwarded to the Water Quality and Nonpoint Source Control Division, Office of Water Programs Operations.

(v) The Office of Legislation so they will be able to answer any queries from Congress on the matter.

(3) Submit to a local newspaper which has adequate circulation to cover the area that will be affected by the project, a brief news release (see Exhibit 3) informing the public that an impact statement will be prepared on a particular project. News releases may be submitted to other media as appropriate.

(c) *Regional office assistance to program offices.* Regional offices will provide assistance to program offices in taking these specific actions when the statement orginates in a program office.

§ 6.23 Draft impact statements.

(a) *General.* (1) The "responsible official" shall assure that a draft environmental impact statement is prepared as soon as practicable after the release of the notice of intent. Prior to release to CEQ, the draft statement may be circulated for review to other offices within the Agency with collateral interest in or technical expertise related to the action. Afterwards, the draft statement shall be sent to CEQ and circulated to Federal, State, and local agencies with special expertise or jurisdiction by law, and to interested persons. If the responsible official determines that a public hearing on the project is warranted, the hearing will be held after preparation of the draft statement and in accordance with the requirements of § 6.41. Comments from both the hearing and written replies shall be incorporated in the final environmental impact statement.

(2) Draft impact statements should be prepared at the earliest practicable point in the project development. Where a plan or program has been developed by the Agency or submitted to the Agency for approval, the relationship between the plan and the subsequent projects encompassed by it shall be evaluated to determine the preferable and most meaningful point in time for preparing an impact statement. Where practicable, an environmental impact statement will be drafted for the total program at the overall planning stage. Subsequently, component projects included in the plan will not require individual statements unless they deviate substantially from prior plans, or unless the plans do not provide sufficient detail to fully assess significant impacts of individual projects. Plans shall be reevaluated by the responsible official to monitor the cumulative impact of the component projects and to preclude the plans' obsolescence.

(b) *Specific actions.* The specific actions that should be taken with respect to draft impact statements are as follows:

(1) Before transmitting the draft statement to the Council on Environmental Quality, the "responsible official" shall:

(i) Notify by phone the Office of Federal Activities and the Headquarters impact statement coordinator for the program office originating the statement that a draft impact statement has been prepared. When the originating office is a regional office and the project is related to water quality management, the Regional Administrator will notify by phone the Office of Federal Activities and the Water Quality and Non-Point Source Control Division, Office of Water Programs Operations, that the draft impact statement has been prepared.

(ii) Send two (2) copies of the draft statement to each of the appropriate offices in paragraph (b)(1)(i) of this section.

(2) If neither of the above offices requests any changes within a ten (10) calendar day period after notification, the "responsible officials" shall:

(i) Send ten (10) copies of the draft environmental impact statement to the Council on Environmental Quality. Include with the copies two (2) completed National Technical Information Service (NTIS) accession notice cards (Form NTIS–79). One (1) card should have the return address of the Office of Federal Activities and the other the return address of the originating office. The Council on Environmental Quality will forward the necessary copies and cards to NTIS. Requests for copies can be filled by NTIS when the Agency has depleted its stock. (See § 6.43(b).)

(ii) Inform the Office of Public Affairs of the transmittal to the Council on Environmental Quality and the plans for local press release.

(iii) Notify the Office of Legislation of the transmittal so they will be able to answer any queries from Congress on the matter.

(iv) Provide copies of the draft statement to:

(*a*) The Office of Legislation if they request copies.

(*b*) The Office of Public Affairs. Provide two (2) copies.

(*c*) The appropriate field offices of reviewing Federal agencies that have special expertise or jurisdiction by law with respect to any impacts involved. The Council on Environmental Quality's Guidelines (section 7 and Appendixes II–III thereof) specify those agencies to which draft statements will be sent for official review and comment. Two (2) copies of the impact statement should be provided each field office. The field offices are expected to reply directly to the originating Agency office. Commenting agencies shall have at least thirty (30) calendar days to reply (the reply period shall commence from the date of receipt of the statement by the Council on Environmental Quality as noted in the Council's FEDERAL REGISTER and *102 Monitor* announcements); afterwards, it shall be presumed that, unless a time extension has been requested, the Agency has no comment to make. EPA will grant extensions where practical, not to exceed fifteen (15) calendar days.

(*d*) The appropriate State and local agencies and to the appropriate State and metropolitan clearinghouses. The time limits for review and comment shall be the same as those available to Federal agencies.

(*e*) Interested persons. The time limits for review and comment shall be the same as those available to Federal agencies.

(v) Submit to the local newspapers and other appropriate media a news release (see Exhibit 3) that the draft statement is available for comment and where copies may be obtained.

(vi) Send two (2) copies of the summary sheet to the Office of Management and Budget, Organization and Management Systems Division.

(c) Regional office assistance to program office. If requested, regional offices will provide assistance to program offices in taking these specific actions when the impact statement originates in a program office.

§ 6.24 Final impact statements.

(a) Final statements shall respond to all written or recorded suggestions, criticisms, and comments raised through the review of the draft impact statement. Special care should be taken to respond fully to comments that are at variance with the Agency's position (see also § 6.32(g)).

(b) Distribution and other specific actions will be as specified for draft statements in § 6.23 (b) and (c), except that in the case of Federal and State agencies and interested persons, only those who responded to the draft statement will be sent a copy of the final statement.

§ 6.25 Negative declaration and environmental impact appraisals.

(a) *General.* When an environmental review indicates no significant impact, a negative declaration shall be prepared prior to taking action (see Exhibit 4). An environmental impact appraisal supporting the negative declaration shall be prepared for those cases specified in the subparts following Subpart D of this part, as determined by the "responsible official." The appraisal (see Exhibit 5) describes the proposed activity and its effects, and documents the reasons for concluding that there will be no significant impact. This appraisal shall remain with internal records for the activity or action, and shall be available for public inspection.

(b) *Specific actions.* The following specific actions should be taken on those projects on which both a negative declaration and appraisal were prepared. Circulation of a negative declaration on a project for which no appraisal is required is unnecessary.

(1) *Negative declaration.* (i) When the review process indicates that there will not be a significant impact, prepare a negative declaration as soon as practicable.

(ii) The negative declaration shall be distributed in the same fashion as the notice of intent, except that copies shall be sent only when practicable to interested persons.

(iii) Where practicable, submit to the local newspapers and other appropriate media a brief news release (see Exhibit 3) informing the public that an impact statement will not be prepared on a particular project.

(2) *Environmental impact appraisal.* (i) Have the appraisal available when the negative declaration is distributed.

(ii) Forward a copy to the Headquarters impact statement coordinator for the program office originating the statement. (Not applicable to regional offices.)

(iii) Have copies on file in the originating office for public inspection upon request.

Subpart C—Content of Environmental Impact Statements

§ 6.30 Cover sheet.

The cover sheet shall indicate the type of statement (draft or final), the official project name, the responsible Agency office, the date, and the signature of the responsible official. The format is shown in Exhibit 6.

§ 6.31 Summary sheet.

The summary sheet shall conform to the format prescribed in Appendix 1 of the April 23, 1971, Council on Environmental Quality's Guidelines. The format is shown in Exhibit 7.

§ 6.32 Body of statement.

The body of the impact statement shall contain seven sections. Each shall identify, develop, and analyze the pertinent issues. Impact statements shall not be justification documents for proposed Agency funding or actions. Rather, they shall be objective evaluations of actions and their alternatives in light of all environmental considerations. Environmental impact statements shall be prepared using a systematic, interdisciplinary approach. Statements shall incorporate all relevant analytical disciplines and shall provide meaningful and factual data, information, and analyses. The presentation should be simple and concise, yet include all facts necessary to permit independent evaluation and appraisal of the beneficial and adverse environmental effects of alternative actions. To the extent possible, statements shall not be drafted in a style which requires extensive scientific or technical expertise to comprehend and evaluate the environmental impact of an Agency action.

(a) *Description of the proposed action.* Describe the recommended or proposed action, its purpose, where it is located, its time setting, and its interrelationship with other projects or proposals. To prevent piecemeal decisionmaking, the project shall be described in as broad a context as possible. The relationship to other projects and proposals shall be discussed, including not only other Agency activities, but also those of other Governmental and private organizations. Development and population trends in the project area shall also be included. Maps, photos, and artist sketches should be incorporated where they help depict the environmental setting. If not enclosed, supporting references and documents should be identified. The statement should also indicate how such documents may be obtained.

(b) *Environmental impact of the proposed action.* (1) Describe the primary and secondary environmental impacts, both beneficial and adverse, anticipated from the action. The scope of the description shall include both short- and long-term impacts. It shall include specifics on the area, the resources involved, physical changes, alterations to ecological systems, and changes induced by the proposed action in population distribution, population concentration, the human use of land (including commercial and residential development), and other aspects of the resource base such as water and public services. The time frames in which these impacts are anticipated should be included as well.

(2) Remedial, protective, and mitigative measures which will be taken as part of the proposed action shall be identified. These measures to prevent, eliminate, reduce, or compensate for any environmentally detrimental aspect of the proposed action shall include those of the Agency and others, e.g., its contractors and grantees. Adverse impacts which cannot be substantially avoided will be considered in greater detail in the next section.

(c) *Adverse impacts which cannot be avoided should the proposal be implemented.* Describe the kinds and magnitudes of adverse impacts which cannot be reduced in severity or which can be reduced to an acceptable level but not eliminated. For those which cannot be reduced, their implications and the reasons why the action is being proposed, notwithstanding their effect, shall be described in detail. Where abatement measures can reduce adverse impacts to acceptable levels, the basis for considering these levels adequate and the effectiveness and costs of the abatement measures shall be specified. In particular, this analysis shall detail the aesthetically or culturally valuable surroundings, human health, standards of living, or environmental goals set forth in section 101(b) of the National Environmental Policy Act which would be sacrificed. Also, it shall describe the parties affected (including any minority communities) and any objections raised by them.

(d) *Alternatives to the proposed action.* Develop, describe, and objectively weigh alternatives to any proposed action which involves significant tradeoffs among the uses of available environmental resources. The analysis shall be structured in a manner which allows comparisons of: (1) Environmental and financial cost differences among equally effective alternatives, or (2) differences in effectiveness among equally costly alternatives. Where practicable, benefits and costs should be quantified or described qualitatively in a way which will aid in a more objective judgment of their value. Where such an analysis is prepared, it shall be appended to the statement. The analysis of different courses of action shall include alternatives capable of substantially reducing or eliminating any adverse impacts, even at the expense of reduced project objectives. The specific alternative of taking no action must always be evaluated. This analysis shall evaluate alternatives in such a manner that reviewers independently can judge their relative desirability. In addition, the reasons why the proposed action is believed by the Agency to be the best course of action shall be explained. On projects that will involve construction, alternative sites must be considered.

(e) *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Describe the cumulative and long-term effects of the proposed action which either significantly reduce or enhance the state of the environment for future generations. In particular, the desirability of Agency actions shall be weighed to guard against short-sighted foreclosure of future options or needs. Special attention shall be given to effects which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. Those who may financially profit or suffer losses from uses of natural resources that may result from the proposed project (especially land) shall be identified. In addition, the reasons the proposed action is believed by the Agency to be justified now, rather than reserving a long-term option for other alternatives, including no use, shall be explained.

(f) *Irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* Describe the extent to which the proposed action curtails the diversity and range of beneficial uses of the environment. Uses of renewable and nonrenewable resources during the initial and continued phases of the action shall be specified. In this regard, construction and facility uses are basically irreversible since a large commitment of resources makes removal or nonuse thereafter unlikely. Such primary impacts and, particularly, secondary impacts (e.g., opening areas to further development) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the action. Any irretrievable and significant commitments of resources shall be evaluated to assure that such current consumption is justified.

(g) *A discussion of problems and objections raised by other Federal, State, and local agencies and by interested persons in this review process.* Final statements (and draft statements if appropriate) shall summarize the comments and suggestions made by reviewing organizations and shall describe the disposition of issues surfaced (e.g., revisions to the proposed action to mitigate anticipated impacts or objections). In particular, they shall address in detail the major issues raised when the Agency position is at variance with recommendations and objections (e.g., reasons specific comments and suggestions could not be accepted, and factors of overriding importance prohibiting the incorporation of suggestions). Reviewer's statements should be set forth in a "comment" and discussed in a "response." In addition, the source of all comments should be clearly identified and copies of the comments should be attached to the final statement.

Subpart D—Public Participation

§ 6.40 General.

Public participation is an integral part of the Agency planning process. It consists of continuous, two-way communication keeping the public fully informed about the status and progress of studies and findings, and actively soliciting

comments from all concerned and affected groups and individuals.

§ 6.41 Public hearings.

(a) Public hearings on draft impact statements shall be held when the "responsible official" determines that a public hearing would facilitate the resolution of conflict or significant public controversy.

(b) When public hearings are to be held, the Agency must notify the public of the hearing immediately after distribution of the draft statement. This public notification must include at least fifteen (15) days prior to the date of such hearing:

(1) Notification to the public by adequate advertisement identifying the project, announcing the date, time, and place of such hearing, and announcing the availability of detailed information on the proposed project for public inspection at one or more locations in the area in which the project will be located. "Detailed information" shall include a copy of the project application and the draft environmental impact statement.

(2) Notification to the appropriate State and local agencies and to the appropriate State and metropolitan clearinghouses.

(3) Notification to interested persons.

(c) A written record of the hearing shall be made. As a minimum, the record shall contain a list of witnesses together with the text of each presentation. Generally, a stenographer should be used. A summary of the record, including the issues raised, conflicts resolved and unresolved, and any other significant portions of the record, shall be appended to the final impact statement.

(d) When a public hearing has been held by another Federal, State, or local agency on an Agency action, additional hearings need not necessarily ensue. The "responsible official" shall decide if additional hearings are required.

(e) When a program office is the originating office, the appropriate regional office will provide assistance to the originating office in holding any public hearing if assistance is requested.

§ 6.42 Comments on draft and final statements.

(a) Draft impact statements and negative declarations shall be made available to the public to assure the fullest practical provision of timely public information and understanding of Federal plans and programs. In addition, public hearings, notices of intent, and press releases will be employed by the Agency to ensure adequate public involvement.

(b) Final environmental impact statements shall be furnished to all interested persons which submitted written comments on the draft impact statement. This is to enable public organizations to comment on the final statement to the Agency or the Council on Environmental Quality, if they so desire, within the thirty (30) calendar day period prior to Agency administrative action on the proposal.

§ 6.43 Availability of documents.

(a) Draft and final environmental impact statements, negative declarations, and environmental impact appraisals shall be made available for public review at the following locations:

(1) The originating office.

(2) The Office of Public Affairs for draft and final impact statements only.

(b) The Agency will endeavor to print sufficient copies of draft and final environmental impact statements to meet anticipated demand. A nominal fee may be charged for copies requested by the public. If, however, demand is greater than anticipated and copies of statements are not available from the Agency originating office, copies can be obtained from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

Subpart E—Guidelines for Preparation of Environmental Impact Statements for Wastewater Treatment Works and Associated Plans

§ 6.50 Purpose.

This subpart amplifies the general EPA policies and procedures described in Subparts A through D of this part by providing detailed procedures for the preparation of impact statements on wastewater treatment works and associated plans (areawide and water quality management).

§ 6.51 Definitions.

(a) "Responsible official." The "responsible official" for impact statements prepared on wastewater treatment works and areawide and water quality management plans is the Regional Administrator.

(b) "EIS-associated documents." Notices of intent, negative declarations, environmental appraisals, and news releases.

§ 6.52 Applicability.

(a) *Actions covered.* These guidelines apply to new grants for wastewater treatment works, to grants for wastewater treatment works that were awarded prior to the promulgation of these guidelines and meet the conditions specified in paragraph (c) of this section, and areawide and water quality management plans.

(b) *Actions excluded.* These guidelines do not apply to:

(1) Program grant awards to State and interstate agencies.

(2) Training grants and contracts.

(c) *Retroactive application.* (1) This subpart shall be applied to ongoing wastewater treatment works for which grant awards were made prior to the promulgation of these guidelines when substantial funds have not been released and modifications or alternatives to the project are still available. The Regional Administrator shall ensure that an environmental impact statement shall be prepared for each such works found to have a significant impact in accordance with § 6.54 of this subpart. The grantee must be promptly notified in writing of the decision to prepare an impact statement.

(2) On such works, either all or a portion of the project work may be stopped by the Regional Administrator pending completion of the statement, if he determines that a work stoppage is warranted, to reduce the risk of incurring substantial additional costs for work which the impact statement may indicate will have to be abandoned or substantially changed. The Regional Administrator may request a written statement from the grantee to assist him in making this decision. The statement should include: A list of what work should and should not continue; a discussion of potential changes the impact statement might recommend in the work discussed in the above list; and the reasons why the work in question should or should not continue. Upon a determination of partial or complete work stoppage by the Regional Administrator, the appropriate grant action would be the issuance of a stop-work order to suspend work or a bilateral agreement to suspend project work, effected through a grant amendment, or in some cases, the issuance of a termination notice.

§ 6.53 Responsibilities.

(a) *Responsible official.* The "responsible official" for Agency actions covered by this subpart is the Regional Administrator. The responsibilities of the Regional Administrator in addition to those in § 6.14(a) of Subpart A of this part are to:

(1) Assist the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of impact statements and other EIS-associated documents.

(2) Require of grant applicants and those who have submitted plans for approval, the information the regional office requires to comply with these guidelines.

(3) Consult with the Office of Federal Activities concerning works or plans which significantly affect more than one regional office, are highly controversial, are of national significance or "pioneer" Agency policy when these works have had or should have had an environmental impact statement prepared on them.

(b) *Assistant Administrator.* The responsibilities of the Office of the Assistant Administrator, as described in § 6.14 (f) of Subpart A of this part, shall be assumed by the Assistant Administrator for Air and Water Programs for Agency actions covered by this subpart.

(c) *Water Quality and Non-Point Source Control Division, Office of Water Programs Operations.* Coordinates all activities and responsibilities of the Office of Water Programs Operations concerned with preparation and review of environmental impact statements. This includes providing technical assistance to the Regional Administrators on impact statements and assisting the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of impact statements.

(d) *Public Affairs Division, Regional Offices.* The responsibilities of the regions' Public Affairs Division in addition to those in § 6.14(d) of Subpart A of this part are to:

(1) Assist the Regional Administrator in the preparation and dissemination of negative declarations, notices of intent, press releases, and other public notices.

(2) Collaborate with the Headquarters Office of Public Affairs to analyze procedures in the regions for public participation and to develop and recommend to the Office of Federal Activities a program to improve those procedures.

§ 6.54 Criteria for preparation of environmental impact statements.

The Regional Administrator will assure that an impact statement will be prepared for treatment works and plans (See additional conditions for plans in § 6.55(d)) when:

(a) The treatment works will induce or encourage significant changes in industrial, commercial, or residential concentrations or distributions, the effects of which are not adequately reflected in an impact statement on the water quality management or areawide plans encompassing the works. Factors that must be considered in determining if induced changes are significant include but are not limited to: the land area subject to increased development as a result of the treatment works; the relative increase in population which may be induced; the potential for overloading sewage facilities; the extent to which landowners may benefit from the areas subject to increased development; and the nature of land use regulations in the affected area and their potential effects on the development.

(b) The works or plan will result in a significant displacement of population.

(c) The works or plan will have significant adverse imparts on public parks or other areas of recognized scenic or recreational value.

(d) The works or plan will have significant adverse impacts on areas of recognized archeological value or properties listed in or being considered for nomination to the National Register of Historical Places.

(e) The works or plan will significantly deface an existing residential area.

(f) The works or plan will include or induce development which will have a significant adverse effect upon local ambient air quality, local ambient noise levels, surface or groundwater quality, fish, wildlife, their natural habitats, or other natural elements.

(g) The works or plan involves a significant diversion of effluent from one basin to another (or to the ocean) and the diversion will adversely affect the quality or quantity of the water in a basin.

(h) The treated effluent is being discharged into a body of water where the present classification is being challenged as too low to protect present uses, and the effluent will not be of sufficient quality to meet the requirements of such uses.

(i) The environmental impact of the works or plan is highly controversial based on environmental issues raised by a party or parties with recognized legal standing as defined in Sierra Club v. Morton, 92 S.Ct. 1361 (Apr. 19, 1972), which can be found in 3 Environment Reporter Cases (ERC) 2039.

§ 6.55 Procedures for preparation of impact statements for plans.

(a) *General.* (1) Areawide waste treatment management plans set forth in Section 208 of the Federal Water Pollution Control Act Amendments of 1972 will be required pursuant to 40 CFR Part 35. Areawide plans must be certified by the Governor or his designee and approved by the Administrator. Once a plan is approved, the Administrator shall not make any grant for construction of a publicly owned treatment works except for a works in conformity with this plan.

(2) Until areawide plans are developed, other plans will be required pursuant to Part 35 of this chapter.

(b) *Environmental assessment and public hearing.* (1) General. An environmental assessment must be included as an integral part of any plans submitted for approval pursuant to Part 35 of this chapter. In addition, a record of a public hearing must be submitted with such plans. The Regional Administrator may also require a grant applicant to submit an assessment and record of public hearing for any water quality management planning that he considers relevant to a proposed wastewater treatment works. Failure to satisfy any of these requirements will justify a refusal by the Regional Administrator to approve plans and specifications for treatment works.

(2) The environmental assessment must be included as an integral part of the plan whether or not Federal technical or financial assistance was utilized in the development of the plan. The assessment of alternatives must include as a minimum those items listed in paragraph (b)(4) of this section. A separate summary of the assessment incorporated in the plan may be requested by regional personnel.

(3) Responsibility for the environmental assessment. The planning agency responsible for developing the required plans shall include as part of the plan an environmental assessment of all feasible alternative water quality management strategies. Prior to acceptance of the plan, regional personnel shall review the plan and record of public hearing to assure that environmental matters have been properly considered. If any of the data or analyses in the plan are used by the regional personnel in developing an impact statement, the Regional Administrator must assume responsibility for the reliability and comprehensiveness of the data or analyses used.

(4) Content of assessment incorporated in the plan. In assessing the environmental impacts of alternative water quality management strategies, the State or local agency responsible for developing the plan shall as a minimum address in writing the questions outlined in the National Environmental Policy Act. The questions are amplified in § 6.32 of Subpart C of this part, paragraphs (a) through (g). The questions in § 6.32 (a), (b), (c), (e), and (f) must be answered for each alternative strategy and those in § 6.32 (d) and (g) must be answered considering all the alternatives.

(5) Adequacy of assessment. If the environmental assessment incorporated in the plan is judged inadequate, further consideration of the request for approval of the plan must be deferred until the deficiencies are remedied in writing.

(6) Public hearing. A record of a public hearing on the plan must be submitted with any plan required pursuant to paragraph (b)(1) of this section. Hearing requirements are set forth in § 6.58 of this subpart. The hearing should be held before the plan is finalized so that the public can assist the planning agency in identifying valid environmental issues while the plan is being formulated.

(c) *Environmental review.* The Agency will review, in accordance with § 6.20 of Subpart B and § 6.54 of this subpart, all plans submitted for approval or plans on which assessments were requested, to determine if they will have any significant impacts on the environment. If the Regional Administrator determines that there may be such impacts, the applicant may be requested to submit additional environmental data or analyses. The applicant will be given written notice of what additional material he must submit under these circumstances.

(d) *Notice of intent and impact statement.* If the environmental review indicates a significant impact on the environment and if either of the following conditions is met, the Regional Administrator shall issue a notice of intent and prepare an impact statement on the plan in accordance with the procedures in Subpart B of this part:

(1) If the impacts are such that they cannot be adequately treated on a smaller scale than that of the plan, e.g., diversion of water from one river basin to another, or gradual depletion of the groundwater aquifer over a large area because of discharge of the effluent through ocean outfalls rather than using it to recharge the aquifer;

(2) If the plan is sufficiently detailed to permit at least partial environmental analysis of most of the treatment works encompassed by it, thus minimizing either the number of impact statements that may have to be written on individual works in the planning area at a later date or reducing the amount of effort that would have to be expended in preparing such statements at a later date.

Notices of intent and impact statements shall be prepared and distributed in accordance with the procedures in Subpart B of this part.

(e) *Negative declaration.* If the regional personnel, after completion of the environmental review, determine that the plan will not have a significant impact on the environment, or that neither of the conditions set forth in paragraphs (d)(1) and (2) of this section are met, a

negative declaration shall be prepared in accordance with the procedures in Subpart B of this part.

§ 6.56 Procedures for preparation of impact statements for wastewater treatment works.

(a) *General.* (1) The States and their political subdivisions have primary responsibility for water pollution control. Treatment works generally are initiated and designed by a community or a regional authority and submitted to the State for approval. The construction grant program administered by the Agency provides Federal financial assistance to any State, municipality, or intermunicipal or interstate agency for the construction of treatment works. The intent of this program is to assist the State and local entities in meeting their waste treatment responsibilities.

(2) Although the Agency does not participate directly in the formulation of treatment works proposals, it does provide guidance to assure construction of well-designed treatment works which will meet water quality standards and other requirements. In addition, to satisfy the requirements of the National Environmental Policy Act of 1969, the Agency must determine if the proposed treatment works will have a significant impact upon the environment and, if so, prepare and circulate an environmental impact statement before awarding the grant. This assures that environmental considerations are properly accounted for in the final design.

(b) *Environmental assessments and public hearings.*—(1) *General.* (i) Applicants for grants for treatment works shall prepare an assessment and hold a public hearing for each treatment works. The assessment and hearing record shall be submitted prior to approval of plans, specifications, and detailed design drawings submitted for approval. The Regional Administrator may in consultation with the applicant determine that a single assessment and public hearing will suffice for a number of related treatment works. The plans, specifications, and detailed design drawings cannot be approved unless an adequate assessment has been developed by the applicant and has been commented on by the State and local clearinghouses pursuant to Office of Management and Budget Circular No. A-95.

(ii) When a number of separate grant applications are being submitted in a fiscal year for treatment works that are constituent parts of a larger system, regional personnel may delay approval of plans and specifications for the various treatment works until some or all of the works and their assessments can be reviewed together to allow the Agency to properly evaluate the cumulative impact of the individual works. The regional personnel may also request environmental information from an applicant(s) on the cumulative environmental impacts of the treatment works and alternatives to them, if this information is not available in the applications, assessments, or plan(s) encompassing the projects (see also § 6.56(c)).

(iii) As specified in § 6.52(c) of this subpart, ongoing projects must also be reviewed. If it appears that an impact statement may be required or that sufficient environmental information is not available to make a proper determination, the grant applicant may be requested to submit an environmental assessment which would provide the needed information.

(2) *Responsibility for preparation of assessments*—(i) *Applicant's responsibility.* The applicant is responsible for preparing an adequate environmental assessment for a treatment works.

(ii) *Regional offices.* The regional personnel are responsible for the approval or disapproval of plans and specifications and the acceptance of an assessment. Regional personnel shall review the applicant's assessment and determine the reliability of the applicant's data and the adequacy of the alternatives discussed. This may involve field inspection of the sites of proposed works. If the assessment is used by the regional personnel in developing an impact statement, the Regional Administrator must assume responsibility for the reliability and comprehensiveness of the data or analyses used.

(3) *Content of assessment.* An applicant's environmental assessment must contain the following:

(i) A comparative evaluation of the major alternatives including the proposed treatment works.

(ii) Answers to the six questions outlined in § 6.32 (a) through (g). The questions in § 6.32 (a), (b), (c), (e), and (f) must be answered for each alternative and those in § 6.32 (d) and (g) must be answered considering all of the alternatives.

(iii) A complete description of how the treatment works' design and construction controls will minimize the adverse impact on all aspects of the environment.

(4) *Adequacy of assessment.* If the assessment is judged inadequate, the applicant shall be notified that the evaluation will be suspended until the deficiencies are remedied in writing. The assessment will be used in the Agency's environmental review to determine if environmental factors are properly incorporated into the proposed treatment works and to determine if an environmental impact statement is required pursuant to NEPA.

(5) *Public hearing.* The applicant shall submit with the assessment a record of a public hearing held pursuant to § 6.58 of this subpart. The public hearing should be held concurrently with the development of the project design and environmental assessment. The purpose of the hearing is to allow the public (environmental/conservation groups, industries, and individuals) to assist the applicant in identifying valid environmental issues which must be considered in the treatment works development stage to avoid possible major modifications at a later date.

(c) *Environmental review.* An environmental review must be conducted for each treatment works in accordance with § 6.20 of subpart B of this part and § 6.54 of this subpart. These reviews must be conducted as early as practicable in the grant review process but no later than prior to the approval of plans, specifications, and detailed design drawings. The Regional Administrator is responsible for determining the proper scope of the NEPA review; he is not necessarily bound by the scope of the treatment works defined in the application. For example, when a grant application is for a constituent part of a larger treatment works, the regional personnel must also determine whether to conduct an environmental review on the larger works before deciding if plans and specifications should be approved or an impact statement prepared. In deciding upon the need for a broader environmental review, the regional personnel must consider if the individual grant is an irreversible element of the larger works and if the potential cumulative impacts of the elements comprising the larger works can be properly evaluated in a separate review of each treatment works. If the Regional Administrator determines that there may be significant impacts or that a broader environmental review is required, the applicant may be requested to submit additional environmental data or analyses. The applicant will be given formal written notice of what additional material he must submit.

(d) *Notice of intent and impact statement.* If the environmental review described in paragraph (c) of this section indicates a significant impact upon the environment, the Regional Administrator shall issue a notice of intent and prepare an impact statement on the appropriate scale proposed action. Notices of intent and impact statements shall be prepared and distributed in accordance with the procedures in subpart B.

(e) *Negative declaration.* If the regional personnel determine that the project will not have a significant impact on the environment, a negative declaration and environmental impact appraisal shall be prepared in accordance with the procedures in subpart B of this part.

§ 6.57 Content of environmental impact statements.

(a) Environmental impact statements for treatment works and water quality management or areawide plans will follow the format described in § 6.32 of subpart C of this part. The individual explanations in subpart C on the contents of the various sections to be included in the impact statement are also applicable. The following additional material should be included where appropriate.

(b) The impact statement section entitled "Environmental Impact on the Proposed Project or Plan" shall contain a description of the environmental impact that the proposed treatment works or plan might have on the surrounding area. Both adverse and beneficial effects need to be discussed. A brief summary

of the results of pertinent studies, such as the following, should be included: Topographic analyses (USGS maps); soil surveys; maps showing aquifer-recharge areas; bedrock geology showing fault lines and any other pertinent geological material; surface water hydrologic information with special emphasis upon low-flow and flood-flow conditions and levels, assimilative capacity of the receiving stream to maintain water quality standards or goals; potential water reuse within the system and for agricultural needs outside of the system; air, noise, and odor evaluations; aquatic and terrestrial wildlife and biological studies including wetland areas; effects upon areas of natural value and park lands; and relocation of people and compensation. Other factors which should be addressed, when pertinent, include: The overall design and operational reliability of the treatment works described in the plan; proposed construction techniques; sludge processing and disposal in relation to alternatives available; anticipated and potential odors; reuse and recycling features; tree clearing controls to be used; erosion control during construction; and architectural and landscaping proposals at the project sites. (The above studies or factors are not listed in order of importance.)

(c) The impact statement section entitled, "Adverse Impacts Which Cannot be Avoided Should the Proposal be Implemented," shall consider the following additional specific factors if pertinent: Wooded or wildlife habitat which will be lost; stream or downstream impoundment; siltation resulting from construction; possible disruption of a natural, cultural, or historic setting at or near the site; effects on general development of the area; and the impact of the additional quantity of flows and associated residual pollutants upon the receiving bodies of water.

§ 6.58 Public hearing requirements.

(a) *General.* A public hearing must be held on all wastewater treatment works, except when the requirement for such a hearing is waived by the Regional Administrator. A record of a public hearing must always be included with an areawide plan submitted to the Agency for approval and, when specifically requested by a Regional Administrator in writing, one must be held on a water quality management plan. Neither plans, specifications, and detailed design drawings for the treatment works, nor the areawide plan can be approved until the record of the hearing is received. The record shall contain, as a minimum, a list of witnesses together with the text of each presentation and a statement that the participants at the hearing were informed that one of the purposes of the hearing is to discuss the environmental effects of the proposed treatment works and alternatives to it as required by the Environmental Protection Agency.

(b) *Public notice.* (1) The potential grantee must provide adequate notice to the public of the hearing. Adequate notice shall be considered to include, at least thirty (30) days prior to the date of such hearing:

(i) Notice given to the public by adequate advertisement identifying the works or plan, announcing the date, time, and place of such hearing, and announcing the availability of detailed information on the proposed works or plan for public inspection at one or more locations in the area in which the works will be located. Detailed information shall include, as a minimum, a complete description of the works or plan, cost and financing information, alternatives to the proposed works or plan, a detailed description of the effects of the works or plan on land use, and a statement that one of the purposes of the hearing is to discuss the potential environmental impacts of the works or plan and alternatives to it.

(ii) Notification to the appropriate State and local agencies and to the appropriate State and metropolitan clearinghouses.

(iii) Notification to interested environmental and conservation action groups.

(2) The potential grantee shall submit with the record of the public hearing: (i) a copy of any advertisement published, broadcast, or otherwise issued pursuant to this section; (ii) a list of those notified; and (iii) a certification that the hearing was held in accordance with the notification requirements of this section:

(c) *Waiver of hearing on grant applications.* A request to waive the hearing on a grant application for a wastewater treatment works must be submitted in writing prior to submission of the first grant application. Such requests will be acted upon promptly by the Regional Administrator. Requests must include a description of the works, the estimated cost of the works, the area that will be serviced, and the reasons the grantee feels a public hearing would not serve the public interest. Waivers will, in general, only be granted for minor works such as small additions, modifications to existing works, or cases where a hearing held on a plan encompassing the works was sufficiently comprehensive to cover the works in detail.

§ 6.59 Project commencement.

Plans, specifications, and detailed design drawings cannot be approved until a negative declaration has been prepared or the thirty (30) day waiting period after forwarding the final impact statement to CEQ has expired. In addition, before plans and specifications can be approved, the proposed treatment works must be modified to conform with any changes suggested during the impact statement process that the Agency deems necessary.

Subpart F—Guidelines for the Preparation of Environmental Impact Statements for Research and Monitoring Projects and Activities

§ 6.60 Purpose.

This subpart amplifies the general Agency policies and procedures described in Subparts A through D by providing detailed procedures for the preparation of impact statements on projects of the Office of Research and Monitoring.

§ 6.61 Definitions.

(a) "Project." This term will be used collectively for the three project types below.

(1) "Intramural (in house) project." A project undertaken with resources other than grant or contract funds.

(2) "Extramural project." A project undertaken with grant or contract funds.

(3) "Demonstration project." A project which shows the applicability of a piece of developed technology. It is a project which is carried out at or near full-scale and has a high probability of success. A demonstration project is always an extramural project.

(b) "Appropriate program official." The official within the Office of Research and Monitoring to whom the "responsible official" delegates most of the work related to compliance with NEPA.

(c) "Decision official." The individual responsible for determining if a project will be funded. The assignment of this role will vary according to task cost and delegation of authority.

(d) "EIS-associated documents." Notice of intent, negative declarations, environmental appraisals, and news releases.

§ 6.62 Applicability.

(a) This subpart applies to all projects under the direction of the Assistant Administrator for Research and Monitoring with the partial exception of projects funded under the Federal Water Pollution Control Act Amendments of 1972 (to be called the Act). The specific procedures to be followed for various project types are set forth in § 6.65 of this subpart.

(b) Except for those projects discussed in the next paragraph, projects funded under the Act are exempt from the complete procedures set forth in § 6.65. However, a brief environmental review will be conducted by the appropriate program official of all projects funded under the Act and an environmental impact statement voluntarily prepared by the Agency when a project will have any of the adverse impacts discussed in § 6.64 of this subpart. Assessments must be submitted on these projects in accordance with the requirements of § 6.65(a), but negative declarations and environmental appraisals are not required.

(c) Projects funded under the Act that will result in construction of any wastewater treatment works or will result in the introduction of pesticides, radioactive materials, or other hazardous substances into the environment, shall not be exempt from the complete procedures set forth in § 6.65 of this subpart. An EIS will be prepared if the project will have any of the significant environmental impacts discussed in § 6.64 of this subpart.

§ 6.63 Responsibilities.

(a) *Responsible official.* The "responsible official" for Agency actions covered

by this subpart is the Assistant Administrator for Research and Monitoring. The Assistant Administrator will delegate most of the work to the appropriate program official. The responsibilities of the "responsible official," in addition to those in § 6.14(a) of Subpart A of this part are:

(1) Insures that environmental assessments are submitted, and the appropriate program officials conduct environmental reviews, prepare impact statements and other EIS-associated documents, and take such subsequent actions as are delegated to them by the "responsible official."

(2) When projects significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, the appropriate program official shall have the project's continuation approved by the Program Management Division, Office of Program Operations, Assistant Administrator for Research and Monitoring.

(b) *Assistant Administrator.* The responsibilities of the Office of the Assistant Administrator as described in § 6.14 (f) of Subpart A of this part shall be assumed by the Assistant Administrator for Research and Monitoring for Agency actions covered by this subpart.

(c) *Program Management Division, Office of Program Operations, Assistant Administrator for Research and Monitoring.* (1) Assists the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of impact statements and other EIS-associated documents.

(2) Advises the Assistant Administrator for Research and Monitoring, through the Deputy Assistant Administrator for Program Operations, concerning projects which significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, when these projects have had or should have had an environmental impact statement prepared on them.

(d) *Regional Administrators.* The responsibilities of the Regional Administrator with regard to projects of the Office of Research and Monitoring which affect his region will be to:

(1) Provide technical and administrative assistance in environmental reviews and in the preparation of impact statements.

(2) Advise the appropriate program officials and the Program Management Division, Office of Program Operations, of any projects which will significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, when these projects have had or should have had an environmental impact statement prepared on them.

§ 6.64 Criteria for the preparation of environmental impact statements.

(a) An impact statement shall be prepared and processed by the Office of Research and Monitoring when:

(1) The project will induce or encourage significant changes in industrial, commercial, or residential concentrations or distributions, the effects of which are not adequately reflected in an impact statement on plans encompassing the project. Factors that must be considered in determining if induced changes are significant include but are not limited to: the land area subject to increased development as a result of the project; the relative increase in population which the project may induce; the potential for overloading sewage facilities; the extent to which landowners may benefit from the areas subject to increased development; and the nature of land use regulations in the affected area and their potential effects on the development.

(2) The project will have significant adverse impacts on public parks or other areas of recognized scenic or recreational value.

(3) The project will have significant adverse impact on areas of recognized archeological value or properties listed in or being considered for nomination to the National Register of Historical Places.

(4) The project will significantly deface an existing residential area.

(5) The project will include or induce development which will have a significant adverse effect upon local ambient air quality, local ambient noise levels, surface or groundwater quality, fish, wildlife, their natural habitats, or other natural elements.

(6) The project involves a significant diversion of effluent from one basin to another (or to the ocean) and the diversion will adversely affect the quality or quantity of the water in a basin.

(7) When the treated effluent is being discharged into a body of water where the present classification is being challenged as too low to protect present uses, and the effluent will not be of sufficient quality to meet the requirements of such uses.

(8) The environmental impact of a project is highly controversial based on environmental issues raised by a party or parties with recognized legal standing as defined in Sierra Club v. Morton, 92 S.Ct. 1361 (Apr. 19, 1972) which can be found in 3 Environmental Reporter Cases (ERC) 2039.

(9) The project consists of field tests involving the introduction of pesticides, radioactive materials, or other hazardous substances into the environment by the Office of Research and Monitoring, its grantee, or its contractor.

(10) There is a high probability of a project ultimately being implemented on a large scale and the broad scale application may result in significant impacts, even if the proposed project will not have any significant impacts on the immediate area in which it will be located.

(b) When a project is conducted completely within a laboratory or other facility, and external environmental effects have been minimized by providing effective methods for disposal of laboratory wastes and effective safeguards to prevent accidental introductions of hazardous materials to the environment, an impact statement will normally not be necessary.

§ 6.65 Procedures for preparation, distribution, and review of EIS's and other EIS-associated documents.

(a) Environmental assessment:

(1) Environmental assessments shall be submitted to the Agency on certain extramural projects. These include all grant applications and proposals for sole-source contracts. In the case of competitive proposals, assessments need not be submitted by potential contractors because the decision on whether an impact statement is required must be made and the impact statement or negative declaration completed by the Agency before a request for proposal (RFP) is issued. If there is a question concerning the need for an assessment, the potential contractor or grantee should consult with the appropriate official responsible for the grant or contract.

(2) The assessment shall contain the same sections specified for impact statements in § 6.32 in Subpart C of this part. Copies of § 6.32 (or more detailed guidance when available) and a notice alerting potential grantees and contractors of the assessment requirements shall be included in all grant application kits, attached to letters concerning the submission of unsolicited proposals, and included with all requests for proposals (RFP's) when such proposals are sole-source.

(b) Environmental review: The appropriate program official will briefly review all projects to determine which ones will affect the environment external to the laboratory or facility in which the work will be performed. If the project will not affect the external environment, no further review is necessary and a negative declaration stating there will be no external impacts will be prepared. If a project will affect the external environment, a complete environmental review of the project will be conducted and a decision made on the need for an impact statement. This must be done before a grant or contract is made on extramural projects or before project commencement on intramural projects. Projects involving an RFP shall be reviewed before release of the RFP.

(1) Projects affecting the environment external to a laboratory or facility. On projects which will affect the environment external to a laboratory or facility in which the work will be performed, the appropriate program official shall coordinate the review with the Regional Administrator in whose region the project will be located. This coordinated review will include both an evaluation of any assessment submitted and an analysis of the need for an impact statement. If either reviewer considers the assessment inadequate, steps shall be taken to have it modified to incorporate the recommendations of that reviewer. If either reviewer determines that the project will have a significant environmental impact under the guidelines of § 6.20 of Subpart B of this part or the criteria of § 6.64 of this subpart, an impact statement shall be prepared.

(2) Projects not affecting the environment external to a laboratory or facility. If the appropriate program official de-

termines that the project will not affect the environment external to a laboratory, he will prepare a negative declaration for the record (an environmental appraisal is not required) stating that the project will not affect the external environment and an impact statement is not required. He will then forward the negative declaration and other project documents to the appropriate decision official.

(c) Notice of intent and environmental impact statement:

(1) If any of the projects discussed in paragraph (b)(1) of this section will have a significant effect on the environment, the appropriate program official will prepare a notice to the appropriate decision official for a determination on whether the project will be funded. If the project will be funded, the appropriate program official will commence preparation of the draft impact statement. The appropriate program official, through his National Environmental Research Center Director or Headquarters Division Director, shall request the Regional Administrator to assist him in the preparation and distribution of the statement as specified in Subpart B of this part.

(2) Before release to the Council on Environmental Quality, all draft and final impact statements must be forwarded through the appropriate National Environmental Research Center Director or Headquarters Division Director to the Program Management Division, Office of Program Operations, Assistant Administrator for Research and Monitoring, for approval.

(d) Negative declaration and environmental impact appraisal: If the environmental review indicates that a project discussed in paragraph (b)(1) of this section will not have any significant environmental impacts, the appropriate program official shall prepare a negative declaration and environmental impact appraisal and forward them to the appropriate decision official. If the project is to be funded, the appropriate program official will distribute the negative declaration where practical as described in § 6.25 in Subpart B of this part.

(e) Project commencement: A contract or grant will not be awarded on an extramural project, nor an intramural project begun, until a negative declaration has been issued or the thirty (30) day waiting period after forwarding the final impact statement to the CEQ has expired.

(f) The environmental impact statement process for the Office of Research and Monitoring is shown graphically in Exhibit 8.

Subpart G—Guidelines for the Preparation of Environmental Impact Statements for Air Quality Projects and Activities

§ 6.70 Purpose.

This subpart amplifies the general Agency policies and procedures described in Subparts A through D of this part by providing detailed procedures for the preparation of impact statements on air quality projects of the Office of Air and Water Programs.

§ 6.71 Definitions.

(a) "Project." This term will be used collectively for the three project types below.

(1) "Intramural (in-house) project." A project undertaken with resources other than grant or contract funds.

(2) "Extramural project." A project undertaken with grant or contract funds.

(b) "Project Officer." The individual responsible for the technical direction and evaluation of a grantee's or contractor's performance.

(c) "EIS-associated documents." Notice of intent, negative declarations, environmental appraisals, and news releases.

§ 6.72 Applicability.

This subpart applies to all air quality projects undertaken by the Office of the Assistant Administrator for Air and Water Programs. The specific procedures to be followed for various project types are set forth in § 6.75 of this subpart.

§ 6.73 Responsibilities.

(a) *Responsible official.* The "responsible official" for actions covered by this subpart is the Deputy Assistant Administrator for Air Quality Planning and Standards or the Deputy Assistant Administrator for Mobile Source Air Pollution Control depending upon the specific action. The responsibilties of this "responsible official," in addition to those in § 6.14(a) of Subpart A of this part are:

(1) Insures that environmental assessments are submitted, and that project officers conduct environmental reviews on all projects, prepare impact statements and other EIS-associated documents, and take such subsequent actions as are delegated to them by the "responsible official."

(2) When projects significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, the Project Officer shall have the project's continuation approved by the appropriate Deputy Assistant Administrator.

(3) Assists the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of impact statements and other EIS-associated documents.

(4) Advises the Assistant Administrator for Air and Water Programs concerning projects which significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, when the projects have had or should have had an environmental impact statement prepared on them.

(b) *Assistant Administrator.* The responsibilities of the Office of the Assistant Administrator as described in § 6.14(f) of Subpart A of this part shall be assumed by the Assistant Administrator for Air and Water Programs for Agency actions covered by this subpart.

(c) *Regional Administrator.* The responsibilities of the Regional Administrator with regard to air quality projects which affect his region will be to:

(1) Provide technical and administrative assistance in environmental reviews and in the preparation of impact statements.

(2) Advise the Project Officer and the appropriate Deputy Assistant Administrator of any projects which will significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, when these projects have had or should have an environmental impact statement prepared on them.

§ 6.74 Criteria for the preparation of environmental assessments and impact statements.

(a) *Assessment preparation criteria.* Environmental assessments need not be submitted with all grant applications and contract proposals. The following sections describe those types of projects which will or will not require the submission of assessments with a grant application or contract proposal. In the case of competitive proposals, assessments need not be submitted by potential contractors even if the proposal is for a project type listed below because an impact statement or negative declaration and environmental appraisal must be prepared by the Agency before an RFP is issued.

(1) *Project types requiring assessments.* Any project not included below that will involve effects external to the facility in which the work will be performed (e.g., construction).

(2) *Project types not requiring assessments.* (i) Training activities, including but not limited to, smoke generating equipment used for the purpose of training inspectors and other personnel in techniques for evaluating particulate emissions from plumes, and demonstration of emissions from incinerators.

(ii) Projects not involving effects on the environment outside the laboratory or facility in which the work is being conducted.

(iii) Grants for planning, developing, establishing, improving, or maintaining programs for the prevention and control of air pollution.

(iv) Grants to help defray the air quality planning program costs for any interstate air quality control region.

(v) Routine source testing (e.g., instrumentation of a smoke stack).

(b) *Impact statement preparation criteria.* An environmental review shall be performed on all air quality projects of the Office of Air and Water Programs. The guidelines set forth in § 6.20 of Subpart B of this part shall be utilized in determining whether an impact statement shall be prepared.

§ 6.75 Procedures for preparation, distribution, and review of EIS's and other EIS-associated documents.

(a) *Environmental assessments.* (1) Environmental assessments shall be submitted to the Agency as specified in § 6.74 of this subpart. If there is a question concerning the need for an assessment, the potential contractor or grantee should consult with the Project Officer for the grant or contract.

(2) The assessment shall contain the same sections specified for impact statements in § 6.32 of Subpart C of this part. Copies of § 6.32 (or more detailed guidance when available) and a notice alerting potential grantees and contractors of the assessment requirements in § 6.74 of this subpart shall be included in all grant application kits, attached to letters concerning the submission of unsolicited proposals, and included with all requests for proposals (RFP's).

(b) *Environmental review.* All projects, both those with and without assessments, shall be reviewed by the "responsible official" before a grant or contract is made on extramural projects or before commencement on intramural projects. Projects involving an RFP shall be reviewed before release of the RFP.

(1) *Projects requiring assessments or having effects external to a facility.* On projects requiring an assessment or projects not requiring assessments that will affect the environment external to the facility in which the work will be performed, the "responsible official" shall coordinate the review with the Regional Administrator in whose region the project will be located. This coordinated review will include both an evaluation of any assessment submitted and an analysis of the need for an impact statement. If either reviewer considers the assessment inadequate, steps shall be taken to have it modified to incorporate the recommendations of that reviewer. If either reviewer determines that the project will have a significant environmental impact under the guidelines of § 6.20 of Subpart B of this part, an impact statement shall be prepared.

(2) *Other projects.* On projects not requiring an assessment and not affecting the environment external to a facility, the "responsible official" will prepare a negative declaration (an environmental appraisal is not required) stating that the project will have no environmental effects external to the facility in which the work will be performed.

(c) *Notice of intent and environmental impact statement.* (1) If any of the projects reviewed in paragraph (b)(1) of this section will have a significant impact on the environment, the "responsible official" will assure that a notice of intent and a draft impact statement are prepared.

(2) The "responsible official" shall also request the appropriate Regional Administtrator to assist him in the preparation and distribution of the environmental impact statement. Distribution will be as specified in Subpart B of this part.

(d) *Negative declaration and environmental impact appraisal.* If the environmental review indicates that a project discussed in paragraph (b)(1) of this section will not have any significant environmental impacts, the "responsible official" will prepare a negative declaration and environmental impact appraisal and, where practicable, distribute them as described in § 6.25 in Subpart B of this part. See paragraph (b)(2) of this section for the procedure to follow on other projects reviewed.

(e) *Project commencement.* A contract or grant will not be awarded on an extramural project, nor an intramural project begun, until a negative declaration has been issued or the thirty (30) day waiting period after forwarding the final impact statement to the CEQ has expired.

Subpart H—Guidelines for the Preparation of Environmental Impact Statements for Solid Waste Projects and Activities

§ 6.80 Purpose.

This subpart amplifies the general Agency policies and procedures described in Subparts A through D of this part by providing detailed procedures for the preparation of impact statements on projects of the Office of Solid Waste Management Programs.

§ 6.81 Definitions.

(a) "Project." A discernible effort or activity to accomplish a specific objective or end result.

(1) "Intramural (in-house) project." A project undertaken with resources other than grant or contract funds.

(2) "Extramural project." A project undertaken with grant or contract funds.

(b) "Project officer." The individual responsible for the technical direction and evaluation of a grantee's or contractor's performance.

(c) "EIS-associated documents." Notices of intent, negative declarations, environmental appraisals, and news releases.

§ 6.82 Applicability.

This subpart applies to all projects undertaken by the Office of Solid Waste Management Programs. The specific procedures to be followed for various project types are set forth in § 6.85 of this subpart.

§ 6.83 Responsibilities.

(a) *Responsible official.* The "responsible official" for Agency actions covered by this subpart is the Deputy Assistant Administrator for Solid Waste Management Programs. The responsibilities of this "responsible official," in addition to those in § 6.14(a) of Subpart A of this part are:

(1) Insure that environmental assessments are submitted by appropriate grant and contract applicants, and that project officers conduct environmental reviews on all projects and take such subsequent actions as are delegated to them by the "responsible official."

(2) Assist the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of all EIS-associated documents.

(3) Advise the Assistant Administrator for Categorical Programs concerning projects which significantly affect more than one regional office, are highly controversial, are nationally significant, or "pioneer" Agency policy.

(b) *Assistant Administrator.* The responsibilities of the Office of the Assistant Administrator as described in § 6.14 (f) of Subpart A of this part shall be assumed by the Assistant Administrator for Categorical Programs for Agency actions covered by this subpart.

(c) *Regional Administrator.* The responsibilities of the Regional Administrator with regard to projects of the Office of Solid Waste Management Programs which affect his region will be to:

(1) Assist the "responsible official" in the project review by commenting on the project, the project application and the applicant's environmental assessment. Among other things, the comments should identify those projects which will significantly affect more than one regional office, are highly controversial, nationally significant, or "pioneer" Agency policy.

(2) Assist the "responsible official" in the preparation and distribution of EIS-associated documents.

§ 6.84 Criteria for the preparation of environmental assessments and impact statements.

(a) *Assessment preparation criteria.* Environmental assessments need not be submitted with all grant applications and contract proposals. The following sections describe when an assessment is or is not required:

(1) *Grants*—(i) *Demonstration Projects.* Environmental assessments must be submitted with all applications for demonstration grants that will involve construction, land use (temporary or permanent), transport, sea disposal, any discharges into the air or water, or any other activity having any direct or indirect effects on the environment external to the facility in which the work will be conducted. Pre-application proposals for such grants will not require environmental assessments.

(ii) *Studies and investigations.* Grant applications for studies and investigations will not require assessments.

(iii) *Training.* Grant applications for training of personnel will not require assessments.

(iv) *Plans.* Grant applications for the development of comprehensive State, interstate, or local solid waste management plans will not require environmental assessments. A detailed analysis of environmental problems and effects should be part of the planning process, however.

(2) *Contracts*—(i) *Sole-source contract proposals.* Before a sole-source contract can be awarded, an environmental assessment must be submitted with a bid proposal for a contract which will involve construction, land use (temporary or permanent), sea disposal, any discharges into the air or water, or any other activity that will directly or indirectly affect the environment external to the facility in which the work will be performed. Assessments will not generally be required for contracts for studies, investigations, or training.

(ii) *Competitive contract proposals.* Assessments will not generally be required on competitive contract proposals.

(b) *Impact statement preparation criteria.* An environmental review shall be performed on those projects of the Office of Solid Waste Management Programs on which an assessment is required or which

may have effects on the environment external to the facility in which the work will be performed. The guidelines in § 6.20 of Subpart B of this part shall be utilized in determining whether an impact statement shall be prepared.

§ 6.85 Procedures for preparation, distribution, and review of EIS's and other EIS-associated documents.

(a) Environmental assessment:

(1) Environmental assessments shall be submitted to the Agency as specified in § 6.84 of this subpart. If there is a question concerning the need for an assessment, the potential contractor or grantee should consult with the appropriate project officer for the grant or contract.

(2) The assessment shall contain the same sections specified for impact statements in § 6.32 in Subpart C of this part. Copies of § 6.32 (or more detailed guidance when available) and a notice alerting potential grantees and contractors of the assessment requirements in § 6.84 of this subpart shall be included in all grant application kits, attached to letters concerning the submission of unsolicited proposals, and included with all requests for proposals (RFP's).

(b) Environmental review: An environmental review will be conducted on all projects which require assessments or which will affect the environment external to the facility in which the work will be performed. This review must be conducted before a grant or contract award is made on extramural projects or before project commencement on intramural projects. The guidelines in § 6.20 of Subpart B will be utilized in determining if the project will have a significant environmental effect. This review will include an evaluation of the assessment by both the "responsible official" and the appropriate Regional Administrator. The Regional Administrator's comments will include his recommendations on the need for an environmental impact statement. No detailed review or documentation is required on projects not requiring an assessment and not affecting the environment external to a facility, other than this determination.

(c) Notice of intent and environmental impact statement: If the project will have a significant impact on the environment, the "responsible official" will assure that a notice of intent and a draft impact statement are prepared. The "responsible official" shall request the appropriate Regional Administrator to assist him in the distribution of the environmental impact statement and other EIS-associated documents. Distribution will be as specified in Subpart B.

(d) Negative declaration and environmental impact appraisal: If the environmental review indicates that there will not be any significant environmental impacts, the "responsible official" will assure that a negative declaration and environmental impact appraisal are prepared. These documents need not be prepared for projects not requiring an environmental review.

(e) Project commencement: A project or grant will not be awarded on an extramural project, nor an intramural project begun, until a negative declaration has been issued (if one is required) or the thirty (30) day waiting period after forwarding the final impact statement to the CEQ has expired.

(f) The environmental impact statement process for the Office of Solid Waste Management Programs is shown graphically in Exhibit 9.

Subpart I—Guidelines for the Preparation of Environmental Impact Statements for Construction of Special Purpose Facilities and Facility Renovations

§ 6.90 Purpose.

This subpart amplifies the general Agency policies and procedures described in Subparts A through D by providing detailed procedures for the preparation of impact statements on construction and renovation of special purpose facilities.

§ 6.91 Definitions.

(a) "Special purpose facility." A building or space, including land incidential to the use thereof, which is wholly or predominantly utilized for the special purpose of an agency and not generally suitable for use for other purposes, as determined by the General Services Administration.

(b) "Program of requirements." A comprehensive document (booklet) describing program activities to be accomplished in the new special purpose facility or improvement. It includes architectural, mechanical, structural, and space requirements.

(c) "Scope of work." A document similar in content to the program of requirements but substantially abbreviated. It is usually prepared for small-scale projects.

§ 6.92 Applicability.

(a) *Actions covered.* These guidelines apply to all new special purpose facility construction, activities related to such construction (e.g., site acquisition and clearing), and any improvements or modifications to such facilities having potential environmental effects external to the facility. This includes new construction and improvements undertaken and funded by the Facilities Management Branch, Data and Support Systems Division, Office of Administration; by a regional office; or by a National Environmental Research Center.

(b) *Actions excluded.* This appendix does not apply to those activities of the Facilities Management Branch, Data and Support Systems Division, for which the branch does not have full fiscal responsibility for the entire project. This includes pilot plant construction, land acquisition, site clearing, and access road construction where the Facilities Management Branch's activity is only supporting a project financed by a program office. Responsibility for considering the environmental impacts of such projects rests with the office managing and funding the entire project. Other subparts of this regulation would apply depending on the nature of the project.

§ 6.93 Responsibilities.

(a) Responsible official: The "responsible official" for new construction and modification of special purpose facilities is as follows:

(1) The Chief, Facilities Management Branch, Data and Support Systems Division, shall be the responsible official on all new construction of special purpose facilities and on all improvement and modification projects for which the Facilities Management Branch has received a funding allowance.

(2) The Regional Administrator shall be the responsible official on all improvement and modification projects for which the regional office has received the funding allowance.

(3) The Center Director shall be the responsible official on all improvement and modification projects for which National Environmental Research Centers have received the funding allowance.

(b) The responsibilities of the responsible officials specified above, in addition to those in § 6.14(a) of subpart A of this part, are as follows:

(1) Ensure that environmental assessments are submitted when requested, that environmental reviews are conducted on all projects, and impact statements are prepared and circulated when there will be significant impacts.

(2) Assist the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of impact statements and other EIS-associated documents.

§ 6.94 Criteria for the preparation of environmental assessments and impact statements.

(a) *Assessment preparation criteria.* An environmental assessment may be requested of a construction contractor or consulting architect/engineer employed by the Agency if they are involved in the planning or construction of special purpose facilities or in modifications to such facilities having potential environmental effects external to the facility. Such modifications include but are not limited to: Facility additions, changes in central heating systems or wastewater treatment systems, and land clearing for access roads and parking lots.

(b) *Impact statement preparation criteria.* An environmental review shall be performed on all actions involving construction of special purpose facilities and on improvements to such facilities. The guidelines set forth in § 6.20 of subpart B of this part shall be utilized to determine whether an impact statement shall be prepared.

§ 6.95 Procedures for preparation, distribution, and review of EIS's and other EIS-associated documents.

(a) *Environmental review and assessment.* (1) An environmental review shall be conducted when the program of requirements or scope of work has been completed for the construction, improvement, or modification of special purpose facilities. For special purpose facility

construction, the Chief, Facilities Management Branch, shall request the assistance of the appropriate program office and Regional Administrator in the review. For modifications and improvements, the appropriate responsible official shall request assistance in making the review from other cognizant Agency components.

(2) If construction contractors or consulting architect/engineers are involved, the responsible official may require them to submit an environmental assessment which will be used in the environmental review. The assessment shall contain the same sections specified for impact statements in § 6.32 of subpart C of this part. Contractors and consultants shall be notified in the appropriate contractual documents of this possibility.

(b) *Notice of intent, environmental impact statement, and negative declaration.* The responsible official shall decide at the completion of the environmental review whether there will be any significant environmental impacts. If there will be significant environmental impacts, a notice of intent and an environmental impact statement shall be prepared in accordance with the procedures outlined in § 6.22 of subpart B. If there will not be any significant environmental impacts, a negative declaration and environmental impact appraisal shall be prepared in accordance with the procedures outlined in § 6.25 of subpart B of this part.

(c) *Project commencement.* No construction or related activities can begin until a negative declaration has been issued and an environmental appraisal prepared or the thirty (30) day waiting period after forwarding the final impact statement to the Council on Environmental Quality has expired.

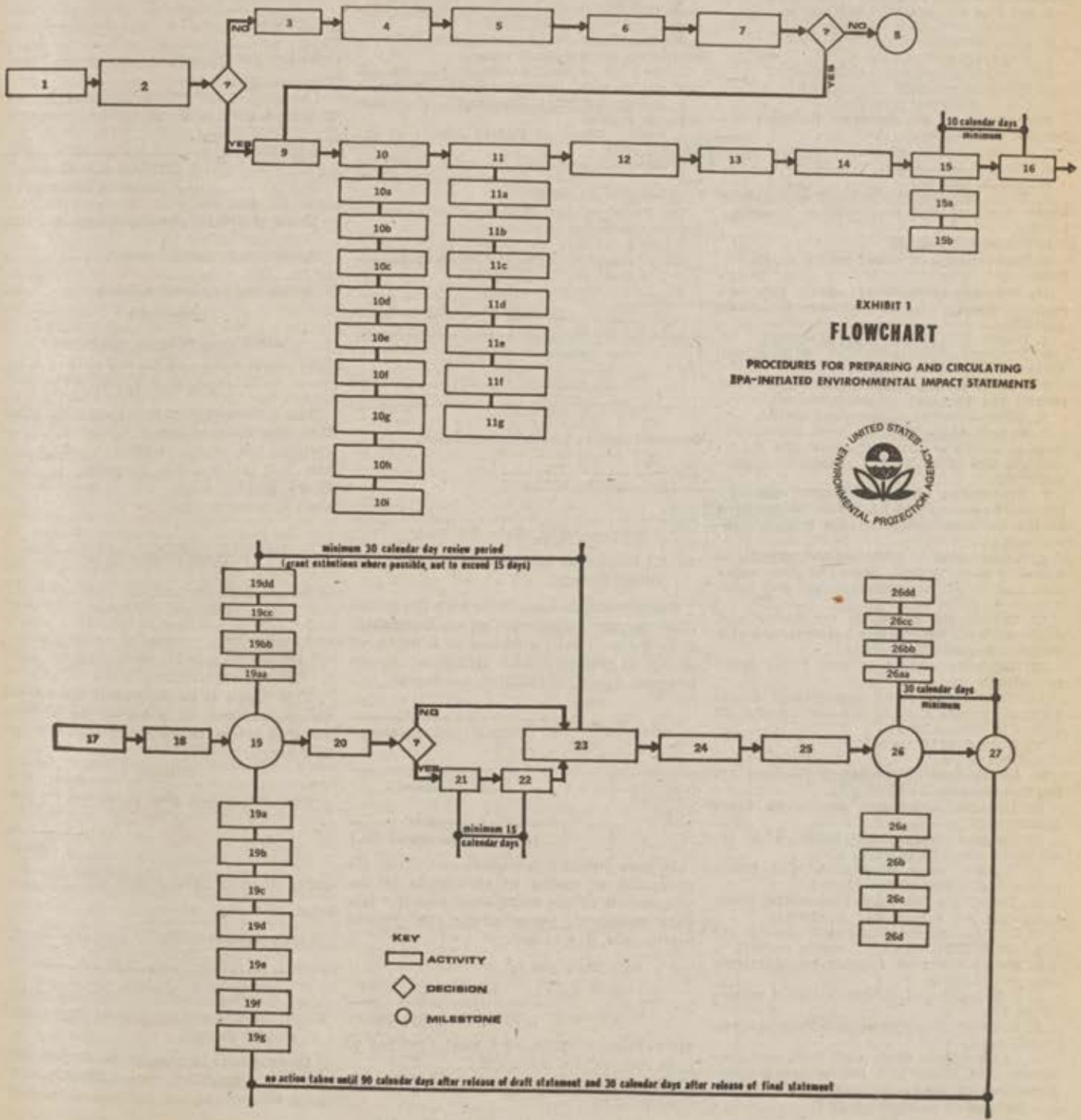


EXHIBIT 1

FLOWCHART

PROCEDURES FOR PREPARING AND CIRCULATING EPA-INITIATED ENVIRONMENTAL IMPACT STATEMENTS

1. Applicant submits environmental assessment and other available data.
2. Agency performs environmental review at the earliest possible point in the development of the proposed action, decides if an EIS is required, prepares an EIS if the project will have a significant impact or if the project's impact is likely to be highly controversial.
3. Where required prepare environmental impact appraisal.
4. Prepare and where practicable circulate negative declaration to Federal, State and local agencies, interested persons, local newspapers, and other media.
5. File impact appraisal, negative declaration, and other supportive documents in-house. (Available for public inspection)
6. Receive and evaluate comments.
7. Change decision if necessary.
8. Administrative action.
9. Prepare notice of intent.
10. Circulate notice of intent.
a. Regional interests.
b. Office of Federal Activities.
c. Appropriate headquarters program office EIS coordinator.
d. Office of Public Affairs.
e. Office of Legislation.
f. Federal agencies.
g. State and local agencies, appropriate State, regional and metropolitan clearinghouses.
h. Interested persons.
i. Newspapers and other media as appropriate.
11. Prepare preliminary draft environmental impact statement and summary sheet (optional).
a. Description of the proposed action.
b. Environmental impact of the proposed action.
c. Adverse effects which cannot be avoided should the proposal be implemented.
d. Alternatives to the proposed action.
e. Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
f. Irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
g. A discussion of problems and objections raised by other Federal, State and local agencies, and by private organizations and individuals to date.
12. Coordinate internally for review and comment with appropriate headquarters and regional elements (optional).
13. Evaluate comments and revise draft accordingly.
14. Notify OFA and appropriate headquarters program office EIS coordinator of intent to release draft.
15. Submit draft for review.
a. OFA (2 cys.).
b. Appropriate headquarters program office EIS coordinator (2 cys.).
16. Consider comments and revise draft accordingly.
17. Prepare transmittal letter with responsible official's signature.
18. Submit news release to local newspapers and other media (1 cy.).
19. Distribute draft and transmittal letter externally for review and comments.
a. Council on environmental quality (10 cys. and 2 NTIS accession notice cards).
b. Notify Office of Legislation of release (cys. as needed).
c. Notify Office of Public Affairs of release (2 cys.).
d. Field offices of appropriate Federal agencies (2 cys.).
e. Appropriate State and local agencies; appropriate State and metropolitan clearinghouses (2 cys.).
f. Interested persons (1 cy.).
g. Forward summary sheet to OMB–OMSC (2 cys.).
aa. Regional interests.
bb. Public Affairs Division if prepared in region (copies as needed).
cc. OFA (2 cys.).
dd. Appropriate headquarters program office EIS coordinator (2 cys.).
20. Determine need for public hearing.
21. Circulate public notice.
22. Conduct public hearing.
23. Review and evaluate suggestions, criticisms and comments received and reexamine the proposed course of action and alternatives. Include evaluation of comments generated at public hearing (if held).
24. Prepare final environmental impact statement.
25. Submit news release to local newspapers and other media (1 cy.).
26. Distribute final to interests submitting comments on the draft (1 cy.).
a. Council on Environmental Quality (10 cys. and 2 NTIS accession notice cards).
b. Notify Office of Legislation of release (cys. as needed).
c. Notify Office of Public Affairs of release (2 cys.).
d. Forward summary to OMB–OMSC (2 cys.).
aa. Regional interests.
bb. Public Affairs Division if prepared in region (copies as needed).
cc. OFA (2 cys.).
dd. Appropriate headquarters program office EIS coordinator (2 cys.).
27. Administrative action.

EXHIBIT 2

NOTICE OF INTENT TRANSMITTAL MEMORANDUM SUGGESTED FORMAT

_____
(Date)

ENVIRONMENTAL PROTECTION AGENCY,

_____
(Appropriate office)

_____
(Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups.

GENTLEMEN: In accordance with the guidelines for the preparation of environmental impact statements, attached is a notice of intent to prepare such a statement for the proposed Agency action specified below:

_____
(Official Project Name)

_____
(City, State)

_____
(Impact Statement No.)

If your organization needs additional information or wishes to participate in the preparation of the draft environmental impact statement, please advise the (appropriate office, city, State).

Very truly yours,

_____
(Appropriate EPA Office)

(List Federal, State, and local agencies to be solicited for comment.)

(List public action groups to be solicited for comment.)

NOTICE OF INTENT SUGGESTED FORMAT

Notice of Intent—Environmental Protection Agency

1. Project location:

City _____

County _____

State _____

2. Estimated projected costs:

Federal share (total) _____ $_____

Contract $_____ Grant $_____ Other $_____

Applicant share (if any)

(Name) _____ $_____

Other (specify) _____ $_____

Total _____ $_____

3. Period covered by project:

Beginning date _____
(Original date, if project covers more than 1 year)

Dates of different project phases _____

Approximate ending date _____

4. Estimated application filing date _____

EXHIBIT 3

NEWS RELEASE SUGGESTED FORMAT

Notice to the Public From the Environmental Protection Agency

This announcement is to inform the public that the Environmental Protection Agency (originating office, address) (will prepare, will not prepare, has prepared) a (draft, final) environmental impact statement on the following project:

_____
(Official Project Name)

_____
(Purpose of Project)

_____
(Project Location, City, County, State)

This notice is to implement the Agency's policy to inform the public to the maximum possible extent of environmental actions it is taking.

EXHIBIT 4

NEGATIVE DECLARATION SUGGESTED FORMAT

_____
(Date)

ENVIRONMENTAL PROTECTION AGENCY,

_____
(Appropriate office)

_____
(Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups.

GENTLEMEN: In accord with the procedures for the preparation of environmental impact statements, an environmental review

has been performed on the proposed Agency action below:

(Official Project Name)

(Purpose of Project)

(Project Originator)

(Project Location, City, County, State)

(Potential Agency Financial Share)

(Other Funds Included)

After making an environmental review of the project, this Agency has decided not to prepare an environmental impact statement.

An environmental impact appraisal, which summarizes the review and the reasons why a statement is not required, is on file at the above office and will be available for public scrutiny upon request.

This Agency will proceed with the award of a (grant, contract) for this project.

Sincerely,

(Appropriate EPA Official)

EXHIBIT 5

ENVIRONMENTAL IMPACT APPRAISAL SUGGESTED FORMAT

A. *Identify Project.*
Name of Applicant: ---
Address: ---
Project Number (if assigned): ---
B. *Summarize Assessment.*
1. Brief description of project: ---
2. Probable impact of the project on the environment: ---
3. Any probable adverse environmental effects which cannot be avoided: ---
4. Alternatives considered with evaluation of each: ---
5. Relationship between local short-term uses of environment and maintenance and enhancement of long-term productivity: ---
6. Any irreversible and irretrievable commitment of resources: ---
7. Public objections to project, if any, and their resolution: ---
8. Agencies consulted about the project: ---
State representative's name: ---
Local representative's name: ---
Other: ---
C. *Reasons for concluding there will be no significant impacts.*

(Discuss topics 2, 3, 5, 6, and 7 above, and how the alternative (topic 4) selected will avoid any major public objections or significant impacts, thereby making an impact statement unnecessary.)

(Signature of appropriate official)

(Date)

EXHIBIT 6

COVER SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Draft, Final)
Environmental Impact Statement

(Describe title of project or plan)

Prepared by

(Responsible Agency Office)

Approved by

(Responsible Agency Official)

(Date)

EXHIBIT 7

SUMMARY SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Check one)
( ) Draft.
( ) Final Environmental Statement.

Environmental Protection Agency

(Responsible Agency Office)

1. Name of action. (Check one)
Administrative action. ( )
Legislative action. ( )
2. Brief description of action indicating what States (and counties) are particularly affected.
3. Summary of environmental impact and adverse environmental effects.
4. List alternatives considered.
5. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.
b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.
6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

EXHIBIT 8

FLOWCHART FOR OR & M

PROCEDURES FOR DETERMINING IF AN EIS IS REQUIRED ON OR & M PROJECTS

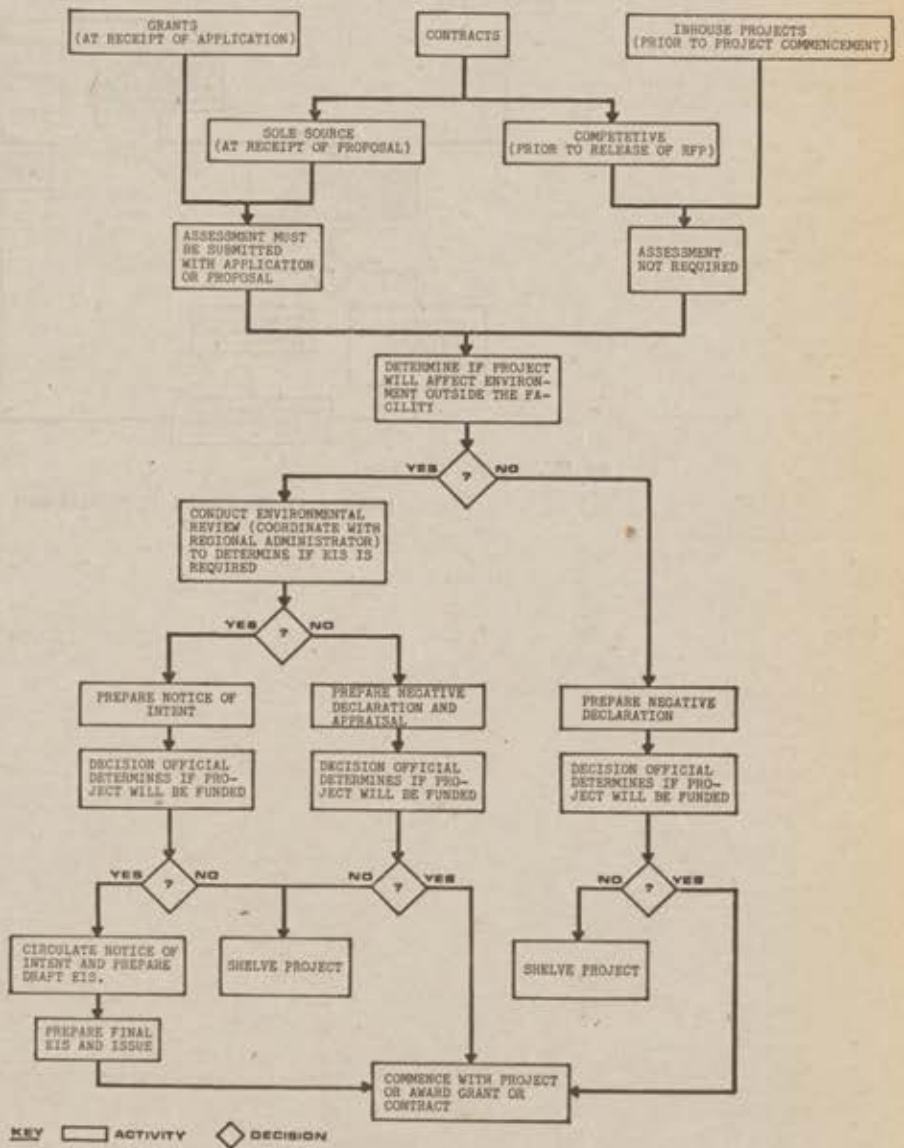
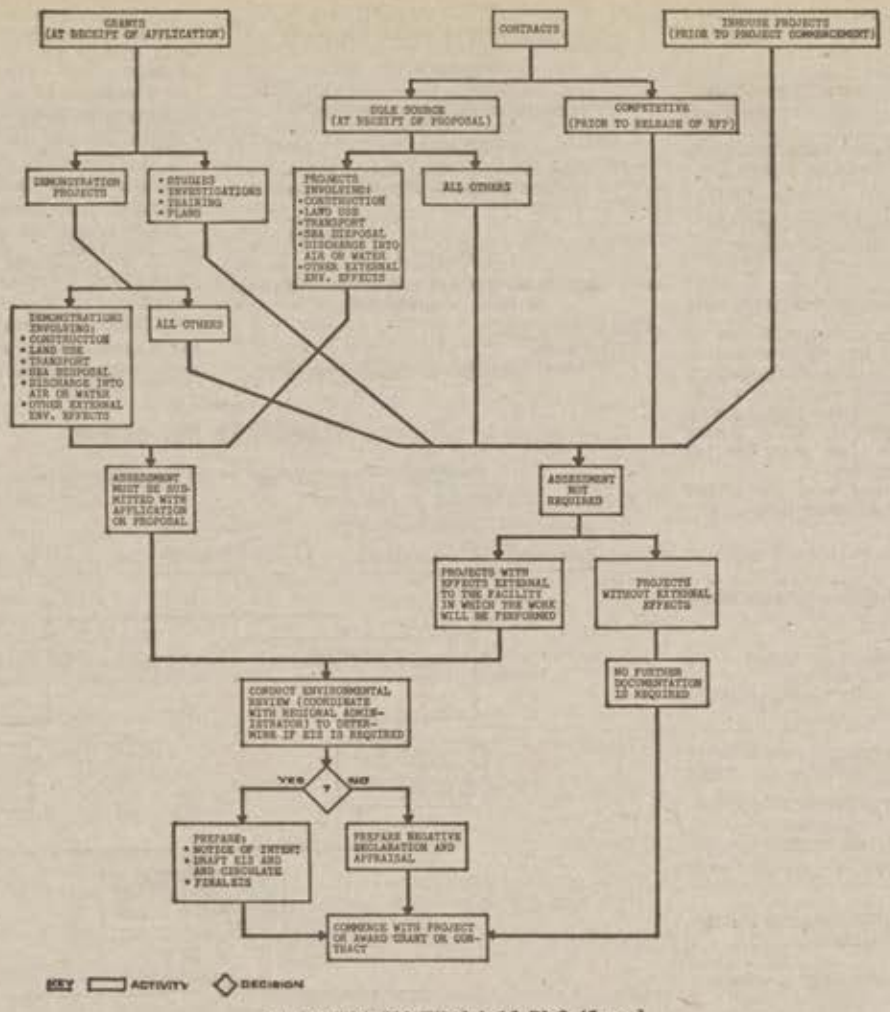


EXHIBIT V

FLOWCHART FOR OSWMP

PROCEDURES FOR DETERMINING IF AN EIS IS REQUIRED ON OSWMP PROJECTS



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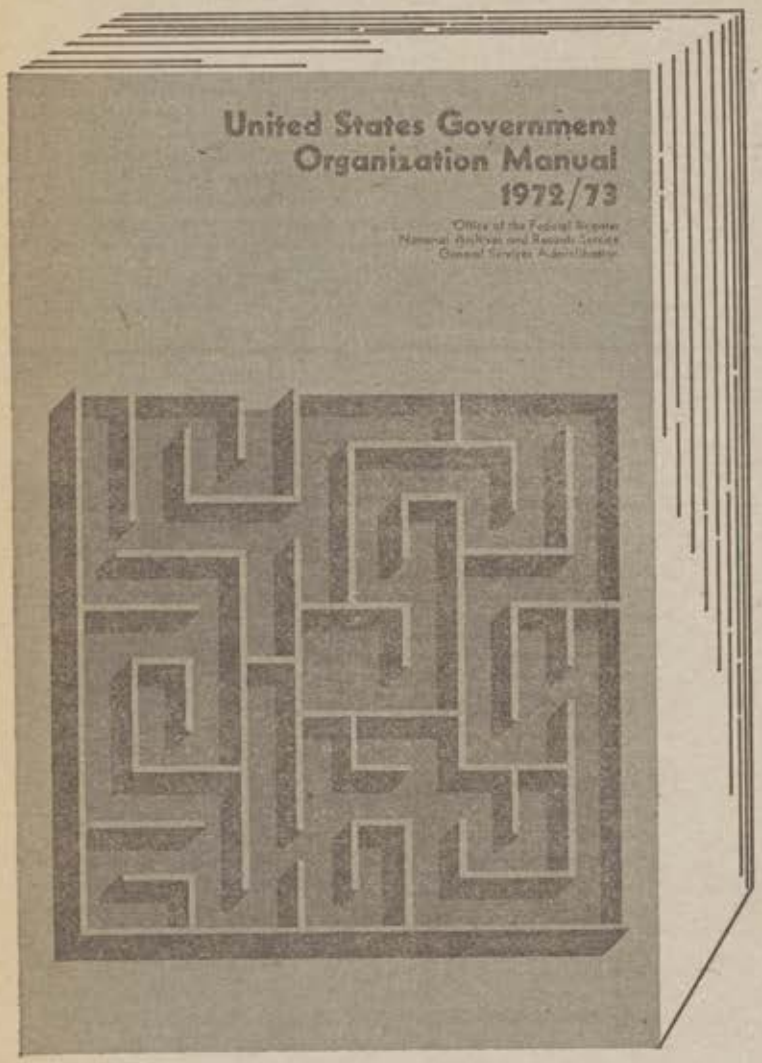

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