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PROCLAMATION 4183

Quantitative Limitation on the Importation of Certain Meats into the United States

By the President of the United States of America

A Proclamation

WHEREAS section 2(a) of the act of August 22, 1964 (78 Stat. 594, 19 U.S.C. 1202 note) (hereinafter referred to as "the act"), declares that it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States (hereinafter referred to as "meat") which may be imported into the United States in any calendar year beginning after December 31, 1964, shall not exceed a quantity to be computed as prescribed in that section (hereafter referred to as "adjusted base quantity"); and

WHEREAS section 2(b) of the act provides that the Secretary of Agriculture for each calendar year after 1964 shall estimate and publish the adjusted base quantity for such calendar year and shall estimate and publish quarterly the aggregate quantity of meat which in the absence of the limitations under the act would be imported during such calendar year (hereafter referred to as "potential aggregate imports"); and

WHEREAS the Secretary of Agriculture, pursuant to sections 2(a) and (b) of the act, estimated the adjusted base quantity of meat for the calendar year 1973 to be 1,046.8 million pounds and estimated the potential aggregate imports of meat for 1973 to be 1,450 million pounds; and

WHEREAS the potential aggregate imports of meat for the calendar year 1973, as estimated by the Secretary of Agriculture, exceed 110 percent of the adjusted base quantity of meat for the calendar year 1973 estimated by the Secretary of Agriculture; and

WHEREAS no limitation under the act is in effect with respect to the calendar year 1973; and

WHEREAS section 2(c)(1) of the act requires the President in such circumstances to limit by proclamation the total quantity of meat which

may be entered, or withdrawn from warehouse, for consumption, during the calendar year, to the adjusted base quantity estimated for such calendar year by the Secretary of Agriculture pursuant to section 2(b)(1) of the act; and

WHEREAS section 2(d) of the act provides that the President may suspend the total quantity proclaimed pursuant to section 2(c) of the act if he determines and proclaims that such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry; and

WHEREAS section 2(d) of the act further provides that such suspension shall be for such period as the President determines and proclaims to be necessary to carry out the purposes of section 2(d);

NOW, THEREFORE, I, RICHARD NIXON, President of the United States, acting under and by virtue of the authority vested in me as President and pursuant to section 2 of the act, do hereby proclaim as follows:

(1) In conformity with and as required by section 2(c)(1) of the act, the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of part 2B, schedule 1 of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1973, is limited to 1,046.8 million pounds.

(2) It is hereby determined pursuant to section 2(d) of the act that the suspension of the limitation proclaimed in paragraph (1) is required by overriding economic interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry.

(3) The limitation proclaimed in paragraph (1) is suspended during the calendar year 1973 unless because of changed circumstances it becomes necessary to take further action under the act. It is hereby determined necessary that such suspension shall be for such period in order to carry out the purposes of section 2(d) of the act.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.73-1997 Filed 1-29-73;4:57 pm]

PROCLAMATION 4184

Save Your Vision Week, 1973

By the President of the United States of America

A Proclamation

Like many precious possessions, eyesight is usually taken for granted until it is lost. Yet the preservation of vision—one of life's greatest blessings—need not be left to chance. There are steps all of us can take to help keep our eyes healthy for a lifetime of useful service.

Simple safety precautions can substantially reduce the number of accidents which cause loss of vision. Potential sources of eye injury in the home, at work, and at school can be sought out and eliminated.

However, most blindness in the United States is the result not of injury, but of disease. Proper attention to hygiene, good nutrition, and, most important, regular professional eye examinations can minimize the risk of visual disability.

Glaucoma, one of the most common eye diseases, can be detected through a simple and painless test and, if detected early, can usually be arrested and controlled.

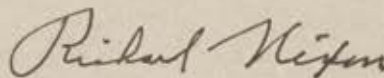
Many elderly Americans are unnecessarily blind because of cataracts. It is tragic that unwarranted fear of cataract surgery—successful in 95 percent of the cases—keeps many of our older citizens from regaining their sight.

For visual loss that can now neither be prevented nor cured, research such as that conducted by the Federal Government through the National Eye Institute offers new hope.

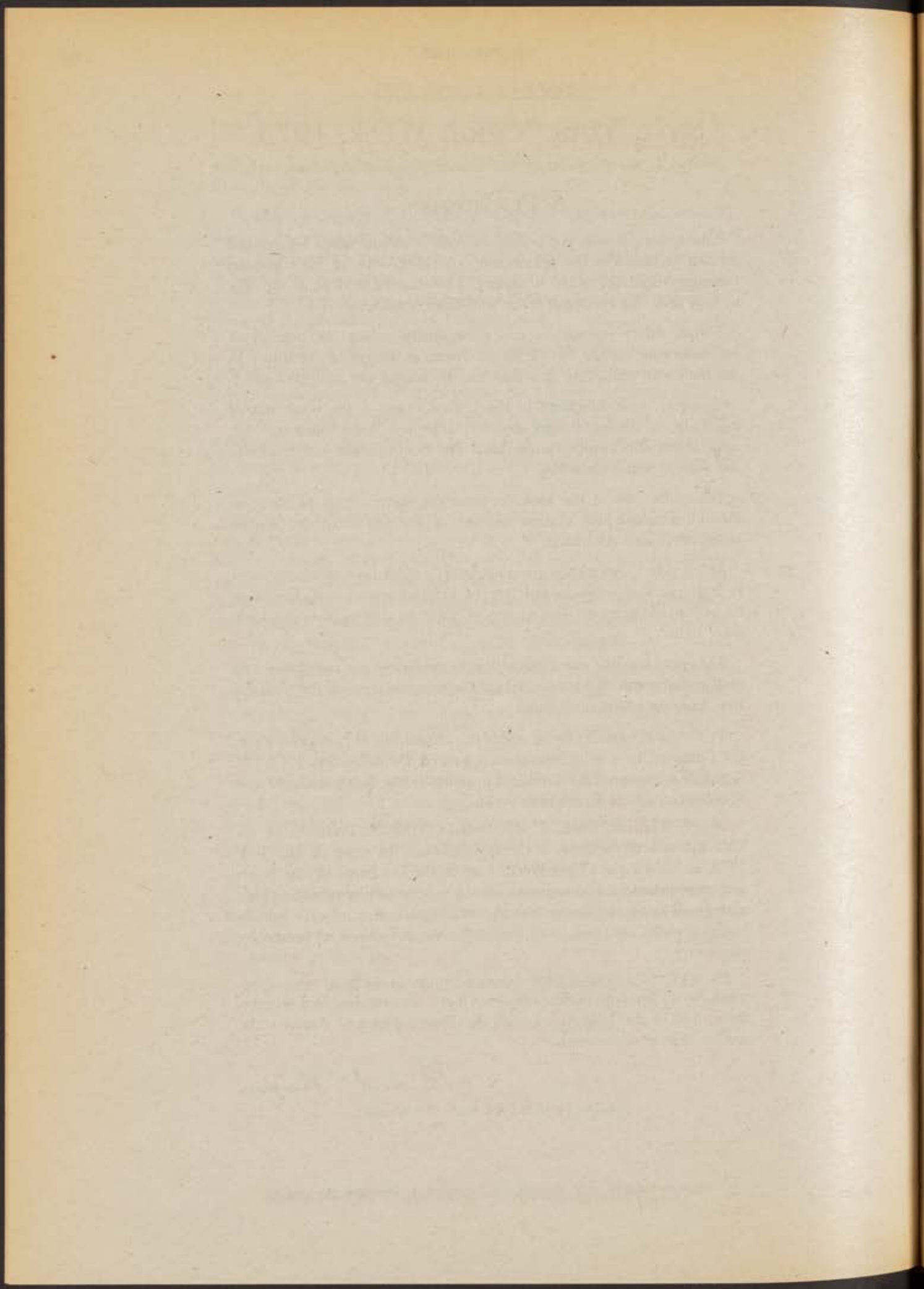
To encourage greater awareness of the importance of preserving sight, the Congress, by a joint resolution approved December 30, 1963 (77 Stat. 629), requested the President to proclaim the first week in March of each year as Save Your Vision Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week of March 4, 1973, as Save Your Vision Week. I invite the Governors of the States and appropriate local government officials to issue similar proclamations, and I call upon the Nation's mass communications media to join in bringing to the attention of all Americans the importance of preventive vision care.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.73-1998 Filed 1-29-73;4:57 pm]



PROCLAMATION 4185

National Safe Boating Week, 1973

By the President of the United States of America

A Proclamation

As more and more Americans in all parts of our Nation turn to boating as a leisure time activity, we need to give increasing attention to the safety requirements of the millions who participate in this healthy, challenging outdoor sport.

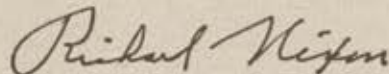
Aware of this need, the Congress approved a joint resolution on June 4, 1958 (72 Stat. 179) requesting that the President proclaim an annual National Safe Boating week during the week including July 4th of each year.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 1, 1973, as National Safe Boating Week.

I urge all Americans who use our waterways to take advantage of the numerous boating safety courses offered by governmental and private organizations to help make their stay afloat as safe as it is enjoyable. These courses, sponsored by the United States Coast Guard, the Coast Guard Auxiliary, the United States Power Squadrons, the American Red Cross and various State agencies, provide the average citizen with the information needed for the safe operation of recreational boats. I particularly urge the novice and the occasional boatman, the one who operates a small boat on only a few weekends of the year, to consider his own and his family's safety and to be prepared for the unexpected by taking advantage of the sound safety information such courses offer.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and the Commissioner of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.73-1996 Filed 1-29-73;4:57 pm]

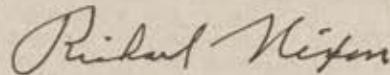
EXECUTIVE ORDER 11702

Relative to the Executive Office of the President

Under and by virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Office of Consumer Affairs, established by Executive Order No. 11583 of February 24, 1971, as amended by Executive Order No. 11595 of May 26, 1971, together with its functions, is hereby transferred from the Executive Office of the President to the Department of Health, Education, and Welfare. The Director of the Office of Consumer Affairs shall continue as the Special Assistant to the President for Consumer Affairs.

SEC. 2. In view of the establishment of the Council on Economic Policy, the Cabinet Committee on Economic Policy, together with its functions, is hereby abolished and Executive Order No. 11453 of January 24, 1969, is hereby revoked.



THE WHITE HOUSE,
January 25, 1973.

[FR Doc.73-2000 Filed 1-29-73;5:06 pm]

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Rules and Regulations

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

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

Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE Action

Section 213.3359 is amended to show that one position of Staff Assistant to the Associate Director for Domestic and Anti-Poverty Operations is excepted under Schedule C.

Effective on January 31, 1973, paragraph (h) of § 213.3359 is added as set out below.

§ 213.3359 ACTION.

(h) One Staff Assistant to the Associate Director for Domestic and Anti-Poverty Operations.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.73-1815 Filed 1-30-73;8:45 am]

Title 7—Agriculture CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 284, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 19-25, 1973. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and

information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 284 (38 FR 1728). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public 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, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), and (ii) of § 907.584 (Navel Orange Regulation 284) (38 FR 1728), are hereby amended to read as follows:

§ 907.584 Navel Orange Regulation 284.

- (b) *Order.* (1) * * *
- (i) District 1: 922,000 cartons;
 - (ii) District 2: 203,000 cartons.

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

Dated: January 24, 1973.

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

[FR Doc.73-1818 Filed 1-30-73;8:45 am]

[Papaya Reg. 3, Amdt. 1]

PART 928—PAPAYAS GROWN IN HAWAII Regulation by Grades and Sizes

This proposal would extend the currently effective grade and size requirements for Hawaiian papayas through December 31, 1973, which are as follows. For interstate shipments, Hawaii No. 1 with a 10-ounce minimum size. For intrastate shipments, Hawaii No. 2 with a 12-ounce minimum size, except Hawaii No. 1, and Hawaii Fancy, which have a 14- and 16-ounce minimum size, respectively.

Notice was published in the FEDERAL REGISTER issue of January 12, 1973 (38 FR 1395) that the Department was giving consideration to a proposal to amend § 928.303 (Papaya Regulation 3; 37 FR 28410) pursuant to the applicable provisions of the marketing agreement, and Order No. 928 (7 CFR 928) regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was submitted by the Papaya Administrative Committee, established pursuant to said marketing agreement and order. Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The proposal, as recommended by the committee, would amend § 928.303 (Papaya Regulation 3; 37 FR 28410) to continue the effective period of said regulation to include all papaya shipments during 1973. The recommended action is based upon an appraisal of the prevailing supply and market situation for papayas. It is deemed necessary in order to assure consumers of an appropriate supply of quality fruit during the balance of the 1973 season and is in keeping with the objective of maintaining grower returns at a level consistent with the public interest.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Papaya Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such papayas, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give further preliminary notice to engage in further

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) shipments of such papayas are currently in progress and this amendment should be applicable to all papaya shipments occurring on and after the effective date as specified herein in order to effectuate the declared policy of the act; (2) the effective period specified herein is the same as that specified in the notice, to which no exceptions were submitted; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 928.303 (Papaya Regulation 3; 37 FR 28410) the provisions of paragraph (a) preceding subparagraph (1), will read as follows:

§ 928.303 Papaya Regulation 3.

(a) **Order.** During the period January 1, 1973, through December 31, 1973, no handler shall ship any container of papayas:

Dated January 24, 1973, to become effective February 1, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit
and Vegetable Division, Agri-
cultural Marketing Service.

[FR Doc.73-1905 Filed 1-30-73; 8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order 65]

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Deferral of Effective Date of Certain Provisions

This order defers to March 1, 1973, the effective date of the following provisions of the order amending the order regulating the handling of milk in the Nebraska-Western Iowa marketing area issued December 15, 1972 (37 FR 28126) pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.):

The terms of the Class I base plan—§§ 1065.90 through 1065.98.

STATEMENT OF CONSIDERATION

An order amending the Nebraska-Western Iowa milk marketing order to provide a Class I base plan was issued by the Assistant Secretary, December 15, 1972 (37 FR 28126) to become effective February 1, 1973. As provided in the Agricultural Marketing Agreement Act, the purpose of such plan is "equitably to apportion the total value of milk purchased by all handlers among producers on the basis of their marketings of milk * * * during a representative period * * *".

The specified representative period in the order is comprised of the two years, 1971 and 1972.

It is implicit in the operation of the plan that a complete record of each producer's milk deliveries be obtained and used in the computation of his history of production. Difficulties in obtaining complete records for a substantial number of producers, primarily because their marketings during the representative period include milk deliveries to numerous unregulated manufacturing plants, have delayed computation of the histories of production. The scattered nature of the data and problems in ascertaining accurately the deliveries of each producer require extensive searching of records at such plants. In addition, the histories of production for these and other producers involve many instances of changes in production facilities or changes in partnership operations which affect the computation of production history bases.

It is hereby determined that the time needed to obtain complete records of producers' marketings during the representative period, or to ascertain whether such complete data are available, and to determine production history bases of all producers, prevents effectuation of the Class I base plan on February 1, 1973.

The two cooperative associations in the market (Mid-America Dairymen, Inc., and Associated Milk Producers, Inc.) have been advised by the market administrator of the circumstances delaying the computation of production history bases. The Board of Directors of the Central States Division of Mid-America Dairymen, in a resolution, requests that in the event the Department determines that the Class I base plan cannot be made effective February 1, 1973, the effective date be delayed until March 1, 1973. The latter cooperative association represents a large majority of producers on the market.

It is therefore ordered, That the effective date with respect to the above designated order provisions is March 1, 1973.

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

Signed at Washington, D.C., on January 24, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-1819 Filed 1-30-73; 8:45 am]

Title 9—Animals and Animal Products

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

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

[Docket No. 73-505]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines an additional portion of Southampton County in

Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

Therefore, pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e) (10) relating to the State of Virginia is amended to read:

(e) * * *

(10) *Virginia.* That portion of Southampton County bounded by a line beginning at the junction of the Virginia-North Carolina State line and Secondary Road 701; thence, following Secondary Road 701 in a northerly direction to State Highway 195; thence, following State Highway 195 in a northeasterly direction to State Highway 35; thence, following State Highway 35 in a southerly direction to Secondary Road 670; thence, following Secondary Road 670 in a southeasterly direction to Secondary Road 743; thence, following Secondary Road 743 in a southeasterly direction to Secondary Road 716; thence, following Secondary Road 716 in a northeasterly, then northwesterly direction to Secondary Road 665; thence, following Secondary Road 665 in an easterly direction to Secondary Road 672; thence, following Secondary Road 672 in a northeasterly direction to Secondary Road 673; thence, following Secondary Road 673 in a northwesterly direction to Secondary Road 671; thence, following Secondary Road 671 in a northeasterly direction to Secondary Road 749; thence, following Secondary Road 749 in a northeasterly direction to Secondary Road 731; thence, following Secondary Road 731 in a southeasterly direction to Secondary Road 674; thence, following Secondary Road 674 in a northeasterly direction to Secondary Road 680; thence, following Secondary Road 680 in a southeasterly direction to Secondary Road 671; thence, following Secondary Road 671 in a northeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a northeasterly direction to U.S. Highway 258, U.S. Highway 58; thence, following U.S. Highway 258, U.S. Highway 58 in a northeasterly direction to the west bank of the Blackwater River; thence, following the west bank of the Blackwater River in a generally southeasterly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to its junction with Secondary Road 701.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 37 F.R. 28464, 28477)

Effective date. The foregoing amendment shall become effective January 24, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 24th day of January 1973.

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

[FR Doc.73-1820 Filed 1-30-73;8:45 am]

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

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

Cattle From Mexico

On May 9, 1972, there was published in the FEDERAL REGISTER (37 FR 9328), a notice of proposed rule making with respect to an amendment of the regulations contained in Part 92, Title 9, Code of Federal Regulations, relating to the importation of cattle from Mexico. The purpose of the amendment is to require a negative tuberculin test for steers offered for entry into the United States from Mexico not more than 60 days before the date such animals are offered for entry, or in lieu thereof, to require a negative tuberculin test to be conducted at the time such animals are presented at the port of entry.

After due consideration of all relevant material, including that submitted in connection with such notice, and pursuant to the provisions of sections 6, 7, 8, and 10 of the Act of August 30, 1890, as amended, section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, 5, and 11 of the Act of July 2, 1962 (21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, and 134f), the amendment is adopted as proposed, with the exception that tuberculin testing to be done at the port of entry may be done under the

supervision of the port veterinarian instead of by him as proposed. This change from the proposal is made to expedite the movement of cattle through ports of entry into the United States from Mexico. Therefore, paragraph (b)(1) of § 92.35 is amended to read:

§ 92.35 Cattle from Mexico.

(b) *Tuberculosis.* (1) In addition to the provisions required in the certificate under paragraph (a) of this section, such certificate shall also show, with respect to all cattle from Mexico except cattle certified in accordance with § 92.40, that a review of the available herd history, including any tuberculin test results, traceback slaughter reports and post-mortem record, and any other available records or information do not indicate evidence of tuberculosis or exposure thereto during the preceding 60 days. The certificate shall also show, with respect to all cattle, except cattle certified in accordance with § 92.40 and steers, that the herd or herds from which the animals proceed have been tuberculin tested with negative results not more than 12 months nor less than 3 months before the date the animals are offered for entry into the United States and that the animals presented for entry, excepting only the natural increase in the herd, were included in the herd or herds of origin at the time of said herd test. The certificate shall further show, with respect to steers, that each animal has been tested with negative results by a salaried veterinarian of the National Government of Mexico not more than 60 days before the date the animals are offered for entry into the United States: *Provided*, That for steers not so tested and certified, the importer may elect to have the tuberculin test completed at the port of entry under the supervision of the port veterinarian. The said certificate shall give the date and place of inspection, the date and place and results of the tuberculin test if applicable, the name of the herd owner, the name of the consignor and consignee, and an individual description of each animal including breed, age, sex, and tattoo or ear tag number.

(Secs. 6, 7, 8, and 10, 26 Stat. 416, 417, as amended; sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, 5, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective on March 1, 1973.

The change reflected herein from the proposal in the notice of rule making was made pursuant to comments from interested persons. It does not appear that public participation in rule making proceedings concerning the change would make additional information available to the Department. Therefore under the administrative procedure provisions in 5 U.S.C. 553 it is found upon good cause that such public proceedings are impracticable and unnecessary.

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

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

[FR Doc.73-1895 Filed 1-30-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-EA-124; Amdt. 39-1589]

PART 39—AIRWORTHINESS DIRECTIVES

Avco Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend and revise AD 71-5-2. Experience since the issuance of the airworthiness directive establishes a basis for relieving the 25-hour repetitive inspection to a 50-hour inspection. It appears that where no evidence of shifting of the center main bearing exists the extended inspection period will not derogate air safety. In view of certain editorial changes as well as clarifying paragraphs, the AD will be revised to permit printing of the full context.

Since the foregoing is a relaxation of a rule, notice, and public procedure hereon are unnecessary and the amendment and revision may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended so as to amend and revise AD 71-5-2 as follows:

Avco LYCOMING. Applies to all IO-360-A and -C series engines except S/N 7100-51A and subsequent and except all engines overhauled (also known as remanufactured) by Lycoming after January 26, 1970, except S/N 354-51, 1049-51A, 3003-51A, 3281-51A, 6526-51A.

To prevent shifting and possible failures of the crankcase main bearings, perform the following:

(a) Engines that have accumulated less than 500 hours in service since new or overhaul must have the lubrication system inspected for metal contaminants within the next 10 hours in service after the effective date of this AD and every 25 hours in service until 525 hours in service are accumulated, at which time compliance with (d) or (f) is required. Inspection of the lubrication system consists of visual examination for minute particles of metal suspended in the oil, examination of the engine oil suction screen for presence of metal particles and the inspection of the external full flow oil filter for metal particles by cutting it open so that the pleated element can be unfolded and examined.

(b) Engines that have accumulated 500 hours or more in service since new or overhaul must have the lubrication system inspected for metal contaminants within the next 10 hours in service after the effective

date of this AD. Further, compliance with (d) or (f) is required within 25 hours in service after the effective date of this AD.

(c) Compliance with (d) or (f) is required if metal contaminants are detected during the above inspections.

(d) Remove No. 2 position cylinder and examine visually the position of the center main bearing for shifting in accordance with the inspection procedure of Avco Lycoming Service Bulletin No. 327B or equivalent inspection approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. Should shifting be detected, comply with paragraph (f). If the bearing has not shifted and no metal contaminants are detected after compliance with paragraph (a) or (b) the engine can be returned to service and the lubrication system must be inspected for contaminants every 50 hours in service thereafter.

(e) Unless already accomplished, compliance with paragraph (f) is required within 50 hours in service after the effective date of this AD on engines that have accumulated 1,150 hours or more in service since new or last overhaul.

(f) Modify the crankcase as described in Lycoming Service Instructions No. 1123A or repair the crankcase as described in Lycoming Service Instructions No. 1123C, whichever is applicable, and install straight crankcase bearing dowels per Lycoming Service Bulletin No. 326 or equivalent repair or alteration approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. Compliance with the provisions of this paragraph eliminates the inspection requirements of this AD.

NOTE: The inspection of the lubrication system required by this AD constitutes preventive maintenance.

This amendment is effective February 13, 1973.

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

Issued in Jamaica, N.Y., on January 22, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-1774 Filed 1-30-73; 8:45 am]

[Docket No. 72-NE-29; Amdt. 39-1590]

PART 39—AIRWORTHINESS DIRECTIVES

Avco Lycoming Aircraft Engines

There have been reports of failures of the second stage gas producer cylinder retaining bolts on Avco Lycoming T5313A and T5313B turboshaft engines which could result in the shank sections becoming loose with a possible failure of the turbines. Since this condition is likely to exist or develop in other engines of the same type, an airworthiness directive is being issued to require replacement of the present second stage gas producer cylinder retaining bolts with new bolts (P/N MS9705-08) made from higher strength alloy.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Avco LYCOMING ENGINES. Applies to all Avco Lycoming T5313A and T5313B turboshaft engines. Compliance required as indicated.

To prevent hazards in flight due to failure of the second stage gas producer cylinder retaining bolts, accomplish the following:

(a) Within the next 100 hours time in service after the effective date of this airworthiness directive, remove all P/N MS9060-08 retaining bolts and replace with new P/N MS9705-08 retaining bolts in accordance with the instructions set forth in Avco Lycoming Service Bulletin, Product Support No. 0028, Revision 1, dated 30 October 1972, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

(b) Equivalent methods of compliance must be approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

This amendment becomes effective February 13, 1973.

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

Issued in Burlington, Mass., on January 22, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-1900 Filed 1-30-73; 8:45 am]

[Airspace Docket No. 72-GL-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CON- TROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On page 23925 of the FEDERAL REGISTER dated November 10, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a control zone at Ann Arbor, Mich.

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

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

This amendment shall be effective 0901 G.m.t., March 29, 1973.

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

Issued in Des Plaines, Ill., on January 8, 1973.

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

In § 71.171 (38 FR 351), the following control zone is added:

ANN ARBOR, MICH.

Within a 5-mile radius of the Ann Arbor, Mich. Airport (latitude 42°13'22" N., longitude 83°44'40" W.); excluding that portion which overlies the Detroit, Mich., Willow Run Airport control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.73-1764 Filed 1-30-73; 8:45 am]

[Airspace Docket No. 72-GL-68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CON- TROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Cleveland, Ohio, control zone.

Since designation of the control zone at the Cleveland-Hopkins International Airport, Cleveland, Ohio, the instrument approach procedures have been revised. A review of these procedures and the zone indicate the control zone extensions are no longer required for protection of the procedures.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth:

In § 71.171 (38 FR 351), the following control zone is amended to read:

CLEVELAND, OHIO (CLEVELAND-HOPKINS INTL. AIRPORT)

Within a 5-mile radius of the Cleveland-Hopkins International Airport (latitude 41°24'37" N., longitude 81°50'56" W.).

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

Issued in Des Plaines, Ill., on January 8, 1973.

HAROLD W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.73-1765 Filed 1-30-73; 8:45 am]

[Airspace Docket No. 72-GL-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CON- TROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 23924 and 23925 of the FEDERAL REGISTER dated November 10, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Detroit, Mich.

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

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

This amendment shall be effective 0901 G.m.t., March 29, 1973.

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

Issued in Des Plaines, Ill., on January 8, 1973.

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

In § 71.181 (38 FR 435), the following transition areas are deleted:

Port Huron, Mich.	Detroit City, Mich.
Mount Clemens, Mich.	Ann Arbor, Mich.
Pontiac, Mich.	

In § 71.181 (38 FR 435), the following transition area is amended to read:

DETROIT, MICH.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 43°00'00" N., longitude 82°25'00" W., on the Canadian boundary to latitude 43°04'00" N., longitude 82°30'00" W., to latitude 42°53'00" N., longitude 83°00'00" W., to latitude 42°45'00" N., longitude 83°50'00" W., to latitude 42°30'00" N., longitude 83°50'00" W., to latitude 42°10'00" N., longitude 84°00'00" W., to latitude 42°00'00" N., longitude 83°30'00" W., thence east along the 42d parallel to the Canadian boundary, thence along the Canadian boundary to point of beginning.

[FR Doc.73-1766 Filed 1-30-73;8:45 am]

[Airspace Docket No. 72-RM-32]

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

Alteration of Control Zone and Transition Area

On December 5, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25854) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Missoula, Mont., control zone and transition area.

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

Effective date. These amendments shall be effective 0901 G.m.t., March 29, 1973.

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

Issued in Aurora, Colo., on January 12, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.171 (38 FR 351) the description of the Missoula, Mont. control zone is amended to read:

MISSOULA, MONT.

Within a 5-mile radius of Johnson-Bell Airport (latitude 46°54'54" N., longitude 114°05'14" W.); within 3 miles each side of the Missoula ILS localizer northwest course extending from the 5-mile radius zone to 2 miles northwest of the Kona COMLO; within 5 miles each side of the Missoula VORTAC 302° radial extending from the VORTAC to 11 miles northwest; within 2 miles each side of the Missoula VORTAC 170° radial extending from the 5-mile radius zone to 10.5 miles southeast of the VORTAC.

In § 71.181 (38 FR 435) the description of the Missoula, Mont. transition area, as amended (37 FR 24657), is further amended to read as follows:

MISSOULA, MONT.

That airspace extending upward from 700 feet above the surface within 8 miles southwest of the Missoula VORTAC 296° radial extending from the VORTAC to 21 miles northwest; within 8.5 miles southwest and 5.5 miles northeast of the Missoula VORTAC 311° radial extending from the VORTAC to 38 miles northwest; within 3 miles each side of the Missoula VORTAC 170° radial extending from the VORTAC to 19.5 miles southeast; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Missoula VORTAC; within a 32-mile radius of the Missoula VORTAC extending clockwise from the Missoula 256° radial to the Missoula 357° radial; within 9.5 miles southwest to the Missoula VORTAC 298° radial extending from the VORTAC to 38 miles northwest; within a 23.5-mile radius of the Missoula VORTAC extending from the Missoula 072° radial clockwise to the Missoula 170° radial; within 5 miles west and 9.5 miles east of the Missoula VORTAC 170° radial extending from the 13-mile radius area to 30 miles southeast of the VORTAC.

[FR Doc.73-1768 Filed 1-30-73;8:45 am]

[Airspace Docket No. 72-NE-22]

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

Alteration of Transition Area

On page 26532 of the FEDERAL REGISTER dated December 13, 1972, the Federal Aviation Administration published a notice of proposed rule making which would designate a Danbury, Conn., Control Zone and alter the Danbury, Conn., Transition Area (37 FR 26532).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

The effective hours of the new Danbury Control Zone were proposed in the notice to be from 0700 to 2300 hours local time. It has now been determined that the effective hours for the Control Zone will be from 0700 to 1900 hours local time. Since this modification from the notice is less restrictive and minor in nature, further notice and public procedure is considered unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 29, 1973.

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

Issued in Burlington, Mass., on January 17, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Danbury, Conn., control zone described as follows:

Within a 5-mile radius of the center 41°22'15" N., 73°29'00" W., of the Danbury Airport, Danbury, Conn., and within 2 miles each side of the Carmel VORTAC 088° radial extending from the 5-mile radius area to the Carmel VORTAC. This control zone is effective from 0700 to 1900 hours local time daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airmen's Information Manual.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Danbury, Conn., 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 41°22'15" N., 73°29'00" W., of Danbury Airport, Danbury, Conn., extending clockwise from the 018° bearing from the center of the airport to the 288° bearing and within a 13-mile radius from the 288° bearing clockwise to the 018° bearing and within 3.5 miles each side of the Carmel VORTAC 218° radial extending from the 9-mile radius area to 11.5 miles southwest of the Carmel VORTAC, excluding that airspace which coincides with the Bridgeport, Conn., and White Plains, N.Y., 700-foot floor transition areas.

[FR Doc.73-1767 Filed 1-30-73;8:45 am]

[Docket No. 11437; Amdt. 91-110]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Subpart D—Large and Turbine-Powered Multiengine Airplanes

The purpose of these amendments to § 91.217 of Part 91 of the Federal Aviation Regulations is to permit continued operation of certain airplanes after January 22, 1973, for which required inspection programs cannot be approved by that date.

Section 91.217, effective October 23, 1972, provides that no person may operate a large or turbine-powered multiengine airplane after January 22, 1973, unless that airplane is inspected in accordance with an inspection program selected under the provisions of that section. The section further provides that the required inspection program must meet one of five criteria set forth therein. The acceptability of programs under four of the five criteria may be determined without FAA assistance, and an owner or operator selecting such a program has merely to notify the FAA of his choice. For a program to be acceptable under

the fifth criterion, however, the section requires that it be approved by the FAA prior to its use. Due to the number of such programs that have been submitted to the FAA for approval action may not be possible on all such programs before January 22, 1973. Nevertheless, under present § 91.217 no person would be permitted to operate an airplane for which such action is pending, notwithstanding the fact that the owner or operator had complied with the rule. At the time the rule was adopted the FAA did not anticipate any difficulties in meeting the compliance time established. However, it now appears that the FAA will be unable to process all of the pending applications prior to January 22, 1973. Furthermore, the FAA has determined that such airplanes can continue to be operated without compromising safety, pending FAA action on the programs, provided they continue to be inspected in accordance with their present inspection programs. Accordingly, § 91.217 is being amended to provide that an airplane for which the owner or operator has submitted, on or before January 22, 1973, an inspection program requiring FAA approval, may be operated pending FAA action on the program, as long as the aircraft continues to be inspected in accordance with Subpart C of Part 91.

Since this amendment is an extension of the effective date of a new requirement and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, § 91.217 of Part 91 of the Federal Aviation Regulations is amended, effective January 22, 1973, by amending paragraphs (a) and the lead-in statement of paragraph (b), and adding a new paragraph (f) to read as follows:

§ 91.217 Inspection program.

(a) No person may operate a large airplane, or a turbojet, or turbopropeller-powered multiengine airplane, unless the replacement times for life-limited parts specified in the aircraft data sheets or other documents approved by the Administrator are complied with, and after January 22, 1973, except as provided in paragraph (f) of this section, the airplane, including the airframe, engines, propellers, appliances, survival equipment, and emergency equipment is inspected in accordance with an inspection program selected under the provisions of this section.

(b) The registered owner or operator of each airplane governed by this subpart must select and after January 22, 1973, except as provided in paragraph (f) of this section, must use one of the following programs for the inspection of that airplane:

(f) An airplane for which a program, selected in accordance with paragraph (b) (5) of this section, has been submitted for FAA approval in accordance with paragraph (e) of this section on or before

January 22, 1973, may be operated pending notification by the FAA of its approval or disapproval of the program as long as the airplane is inspected in accordance with the applicable provisions of Subpart C of this Part.

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

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

J. H. SHAFFER,
Administrator.

[FR Doc.73-1769 Filed 1-30-73; 8:45 am]

[Docket No. 12533, Amdt. 849]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective March 15, 1973.

- Ainsworth, Nebr.—Ainsworth Municipal Airport, VOR-A, Amdt. 2.
 - Augusta, Kans.—Augusta Municipal Airport, VOR/DME-A, Amdt. 1.
 - Austin, Tex.—Tims Airpark, VORTAC-A, Amdt. 2.
 - Bay City, Tex.—Municipal Airport, VORTAC-A, Amdt. 1.
 - Chandler, Ariz.—Stellar City Airpark, VOR Runway 17, Original.
 - Chanute, Kans.—Chanute Martin Johnson Airport, VOR-A, Amdt. 5.
 - Christiansted, St. Croix, V.I.—Alexander Hamilton Airport, VOR Runway 27, Amdt. 8.
 - Duluth, Minn.—Duluth International Airport, VOR Runway 3, Amdt. 11.
 - Duluth, Minn.—Duluth International Airport, VOR/DME Runway 21, Amdt. 6.
 - Fayetteville, Ark.—Drake Field, VOR-A, Amdt. 12.
 - Garden City, Kans.—Municipal Airport, VOR Runway 17, Amdt. 8.
 - Garden City, Kans.—Municipal Airport, VOR Runway 35, Amdt. 4.
 - Hawthorne, Calif.—Hawthorne Municipal Airport, VOR Runway 7, Amdt. 8.
 - Hawthorne, Calif.—Hawthorne Municipal Airport, VOR Runway 25, Amdt. 9.
 - Hickory, N.C.—Hickory Municipal Airport, VOR Runway 24, Amdt. 14.
 - Jackson, Tenn.—McKellar Field, VOR Runway 2, Amdt. 7.
 - Killeen, Tex.—Killeen Municipal Airport, VOR-A, Amdt. 6.
 - Marshall, Minn.—Marshall Municipal-Ryan Field, VOR Runway 12, Amdt. 1.
 - Nome, Alaska—Nome Airport, VOR/DME Runway 9, Amdt. 2.
 - Pasco, Wash.—Tri-Cities Airport, VOR-A, Amdt. 2.
 - Pasco, Wash.—Tri-Cities Airport, VOR Runway 29, Amdt. 1.
 - Prairie du Chien, Wis.—Prairie du Chien Municipal Airport, VOR/DME Runway 29, Original.
 - Stephenville, Tex.—Clark Field Municipal Airport, VORTAC-A, Original.
 - Traverse City, Mich.—Cherry Capital Airport, VOR-A (TAC), Amdt. 11.
 - Wichita, Kans.—Wichita Municipal Airport, VOR Runway 1L, Amdt. 1, canceled.
 - Wichita, Kans.—Wichita Municipal Airport, VOR Runway 14, Amdt. 9.
- * * * effective March 8, 1973.
- Kansas City, Mo.—Kansas City International Airport, VOR Runway 9, Amdt. 3.
- * * * effective February 1, 1973.
- Northbrook, Ill.—Sky Harbor Airport, VOR-A, Amdt. 7, canceled.
- * * * effective January 19, 1973.
- Memphis, Tenn.—Memphis International Airport, VOR Runway 35R, Amdt. 26.
2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective March 15, 1973.
- Chicago, Ill.—Chicago Midway Airport, LOC Runway 4R, Amdt. 1.
 - Chicago, Ill.—Chicago Midway Airport, LOC Runway 31L, Amdt. 3.
 - Duluth, Minn.—Duluth International Airport, LOC (BC) Runway 27, Amdt. 7.
 - Fayetteville, Ark.—Drake Field, LOC Runway 16, Amdt. 1.
 - St. Louis, Mo.—Spirit of St. Louis Airport, LOC (BC) Runway 25, Original.
- * * * effective March 8, 1973.
- Kansas City, Mo.—Kansas City International Airport, LOC (BC) Runway 19, Amdt. 2.
- * * * effective January 9, 1973.

Detroit, Mich.—Detroit City Airport, LOC (BC) Runway 33, Original, canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective March 15, 1973.

- Chicago, Ill.—Chicago Midway Airport, NDB Runway 4R, Amdt. 3.
- Chicago, Ill.—Chicago Midway Airport, NDB Runway 13R, Amdt. 3.
- Chicago, Ill.—Chicago Midway Airport, NDB Runway 31L, Amdt. 2.
- Clarksburg, W. Va.—Benedum Airport, NDB Runway 21, Amdt. 2.
- Coffeyville, Kans.—Coffeyville Municipal Airport, NDB Runway 35, Amdt. 3.
- Duluth, Minn.—Duluth International Airport, NDB Runway 9, Amdt. 14.
- Garden City, Kans.—Municipal Airport, NDB Runway 12, Amdt. 7.
- Hawthorne, Calif.—Hawthorne Municipal Airport, NDB-A, Amdt. 2.
- Kerrville, Tex.—Kerrville Municipal Louis Schreiner Field, NDB-A, Amdt. 2.
- Killeen, Tex.—Killeen Municipal Airport, NDB-A, Amdt. 1.
- Phillipsburg, Kans.—Phillipsburg Municipal Airport, NDB Runway 31, Amdt. 2.
- Versailles, Ohio.—Darke County Airport, NDB Runway 9, Original.
- Wichita, Kans.—Wichita Municipal Airport, NDB Runway 1L, Amdt. 1, Canceled.

* * * effective February 15, 1973.

Smyrna, Tenn.—Smyrna Airport, NDB Runway 32, Original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective March 15, 1973.

- Chicago, Ill.—Chicago Midway Airport, ILS Runway 13R, Amdt. 30.
- Duluth, Minn.—Duluth International Airport, ILS Runway 9, Amdt. 8.
- Hibbing, Minn.—Chisholm-Hibbing Airport, ILS Runway 31, Amdt. 2.
- Pasco, Wash.—Tri-Cities Airport, ILS Runway 20R, Amdt. 3.
- Clarksburg, W. Va.—Benedum Airport, ILS Runway 21, Amdt. 3.

* * * effective February 15, 1973.

Paducah, Ky.—Barkley Airport, ILS Runway 4, Original.

* * * effective January 23, 1973.

Missoula, Mont.—Johnson-Bell Field, ILS Runway 11, Amdt. 2.

5. Section 97.31 is amended by originating, amending, or canceling the following radar SIAP's effective March 15, 1973.

- Chicago, Ill.—Chicago Midway Airport, Radar-1, Amdt. 17.
- Duluth, Minn.—Duluth International Airport, Radar-1, Amdt. 8.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's effective March 15, 1973.

- Davenport, Iowa.—Davenport Municipal Airport, RNAV Runway 14, Original.
- Davenport, Iowa.—Davenport Municipal Airport, RNAV Runway 32, Original.
- Hawthorne, Calif.—Hawthorne Municipal Airport, RNAV Runway 25, Amdt. 1.
- Kansas City, Kans.—Fairfax Municipal Airport, RNAV Runway 17, Original.
- Omaha, Nebr.—Eppley Airfield, RNAV Runway 32L, Original.
- Topeka, Kans.—Phillip Billard Municipal Airport, RNAV Runway 17, Original.

CORRECTIONS

In Docket No. 12495, Amendment 847, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Friday, January 19, 1973, under § 97.23 effective March 1, 1973, it should read in part " * * * Long Beach, Calif.—Long Beach (Daugherty Field), VOR Runway 30 (TAC), Original, vice VORTAC Runway 30."

In Docket No. 12458, Amendment 845, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Friday, January 5, 1973, under § 97.23 effective February 15, 1973, it should read in part " * * * Albany, N.Y.—Albany County Airport, VOR/DME Runway 1, Amdt. 2, vice VOR/DME-1."

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 24, 1973.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

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

[FR Doc.73-1901 Filed 1-30-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FOOD, DRUG, AND COSMETIC ACT

PART 132—REGISTRATION OF PRODUCERS OF DRUGS

PART 273—BIOLOGICAL PRODUCTS

Registration of Blood Banks and Other Firms Collecting, Manufacturing, Preparing, or Processing

A notice of proposed rule making concerning the registration of blood banks and other firms collecting, manufacturing, preparing, or processing human blood or blood products was published in the FEDERAL REGISTER of August 26, 1972 (37 FR 17419). Interested persons were invited to submit comments on the proposal within 60 days. In response, 104 comments were received from individuals, firms and organizations.

1. Many comments, although not objecting to the proposed registration of blood banks, strongly urged that such blood banks voluntarily participating in the inspection accreditation of the American Association of Blood Banks (AABB) be exempt from inspection by the Food and Drug Administration. These comments indicated that for the last 15 years, the AABB has operated a comprehensive inspectional program utilizing highly qualified inspectors, and that the Food and Drug Administration would simply be wasting public funds by duplicating such a program. Many of these

comments made reference to programs operating under the Clinical Laboratories Improvement Act and the Social Security Act, for in both these cases provision is made for accepting inspections and accreditations by qualified organizations in lieu of governmental inspection.

The Food and Drug Administration recognizes the valuable contribution to blood banking made by the AABB. Nonetheless, the Commissioner of Food and Drugs concludes that the Food and Drug Administration should conduct its own inspection pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360), in addition to any inspection by private organizations. It is anticipated that there will be close cooperation between the FDA and the AABB and that a dual inspection system will substantially increase public protection.

2. Numerous comments questioned whether it was the intent of Congress to classify blood as a drug. An analysis of the section 201(g)(1) definition of drug in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321), reveals that blood and related blood products fall clearly within that definition. That section states "The term 'drug' means (A) articles recognized in the official United States Pharmacopoeia * * *; and (B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; * * *." Blood is covered by both parts of this definition. Human blood was first recognized in the United States Pharmacopoeia (USP), XV Edition (Dec. 15, 1955), and has been included in each USP since that edition. Indications for use of blood products also fall directly within the broad therapeutic scope of the definition. While it is, of course, true that blood is human living tissue, it is incorrect to assume that it must be either a living human tissue or a drug. That human blood and blood products may be characterized as living human tissue for some purposes, and as biologics for purposes of regulation under the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) in no way alters the fact that blood is also a drug subject to regulation under applicable provisions of the Federal Food, Drug, and Cosmetic Act. Those federal courts which have had occasion to consider the issue have held without equivocation that human blood is a drug within the meaning of the Federal Food, Drug, and Cosmetic Act. For these reasons, the Commissioner finds that human blood and blood products are drugs within the meaning of the Federal Food, Drug, and Cosmetic Act, and subject to regulation pursuant to its provisions.

3. Several comments stated that all aspects of blood banking were within the practice of medicine, and therefore not subject to regulation by the Food and Drug Administration. These comments indicated that since Food and Drug Administration regulations issued pursuant to section 351 of the Public Health Service Act require that licensed blood banks be under the direction of a physician,

blood banking, from donor interrogation through the actual blood transfusion, constitutes the practice of medicine. The simple fact, however, that donor qualification and blood collection are performed under the direction of a physician does not mean that blood banking constitutes the practice of medicine. To the contrary, since the licensing of the first blood bank in 1946, the collection of blood from suitable donors, its processing, storage, and distribution for sale in interstate commerce has been considered the manufacture of a biologic drug, and has been regulated by the Division of Biologics Standards, National Institutes of Health (which was transferred on July 1, 1972 to the Food and Drug Administration where it is now the Bureau of Biologics (37 FR 12865)). The prescribing of blood, however, is considered the practice of medicine, and consequently has not been regulated by the Federal Government. It is therefore clear that Federal regulation of the manufacture, preparation, and processing of human blood and blood products in no sense regulates the practice of medicine.

4. Several comments indicated confusion or misunderstanding as to what blood bank activities will constitute manufacture, preparation, propagation, compounding, or processing requiring a blood bank to register. It is the Commissioner's intention that any facility, which by chemical, physical, biological, or other procedures makes human blood or blood products, be subject to registration and inspection. This includes the manipulation, sampling, testing, or utilization of control procedures, whether applied to the final product or to any part of the manufacturing process. It also includes repackaging or otherwise changing the container, wrapper, or labeling of any blood or blood products package in furtherance of distribution of the product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer. It thus includes both processing and any other work that is performed on the human blood or blood products themselves, including such testing as grouping and typing as well as compatibility testing when performed in conjunction with a transfusion of blood or blood components. For purposes of determining eligibility for blood bank registration, blood components are defined as red blood cells, platelet concentrates, platelet poor blood, leukocyte poor blood, or leukocyte filtered blood, single donor plasma, cryoprecipitated antihemophilic, or any product which may be derived from whole blood or plasma by blood bank laboratory personnel.

To illustrate, if a blood bank processes all or even part of the blood which it collects, or prepares any blood component from blood or blood products received from other banks, it would be required to register. Furthermore, if a blood bank does not collect or process any blood, but receives its entire supply from other banks and then cross-matches and transfuses such whole blood or components without any further processing,

it is also required to register. Registration is also required of blood banks or other establishments that collect or supply blood cells, serum, or plasma for the manufacture of a drug, or as a component in the manufacture of laboratory reagents and controls, including those establishments that supply outdated pooled plasma to manufacturers of fractionation products or laboratory control reagents. Finally, all establishments that manufacture plasma by plasmapheresis will be required to register, regardless of whether the plasma so manufactured is to be used for fractionation, unlabeled laboratory control reagents, licensed blood grouping and typing serums, hepatitis associated antibody, or any other diagnostic reagents made from plasma.

5. One comment stated that registration under section 510 of the Federal Food, Drug, and Cosmetic Act was being confused with licensing under section 351 of the Public Health Service Act. There should be no confusion if it is understood that:

a. The licensing procedure under section 351 of the Public Health Service Act involves the submission of a license application for both an establishment and a product detailing all phases of manufacture, and requires a prelicensing inspection as well as annual inspections thereafter. So long as a license meets the prescribed standards, the license remains in effect and the licensee may ship licensed biologics in interstate commerce.

b. Registration, on the other hand, involves the submission of a form containing ownership and location information on an annual basis and requires a biennial inspection, but does not permit the registrant to ship blood or other biological products out of the State in which they are registered.

6. Several comments indicated that no reasons were given in the initial FEDERAL REGISTER proposal as to why the Commissioner had decided to require the registration of intrastate blood banks, nor was there any indication as to what was expected to be accomplished by such a proposal. Many recent surveys of the blood banking system have indicated that that system has been unable to provide American consumers with sufficient quantities of high quality, safe human blood and blood products. These surveys have also indicated that one of the major problems associated with the blood banking system is that very little information is even available about the vast majority of manufacturers and distributors of this vitally needed lifesaving drug. It is clear that uniform national regulation may be required with respect to the manufacturing, processing, and distribution of blood and blood products, not only because blood is a commodity of national significance, but also because there has been little or no State regulatory activity in this area. The purpose of the blood bank registration proposal, therefore, is to provide a comprehensive survey of a large sector of the blood delivery system. This survey will provide useful information for implementing necessary programs

and standards for improvement of the Nation's blood delivery system. Presently, there is no organization or agency, either public or private, that has accurate and up-to-date information concerning the amount of blood collected in this country, the number and location of collection facilities, or the volume of blood components that is transfused annually. This blood bank registration and inspection program should provide this kind of essential information, especially when utilized in conjunction with the Drug Listing Act of 1972 and the implementing regulations proposed in the FEDERAL REGISTER of December 12, 1972 (37 FR 26431).

7. Several comments inquired if registration was a prelude to licensing. As there currently is no statutory authority to license intrastate blood banking, the registration of such blood banking under section 510 of the Federal Food, Drug, and Cosmetic Act can in no sense be considered a prelude to licensing. Licensing is of course authorized under section 351 of the Public Health Service Act for the purpose of permitting shipment of biological products in interstate commerce, but many of the blood banks that will be required to register will have no reason to ship blood or blood products in interstate commerce, and therefore will not need or desire to be licensed. It should be noted in this connection, however, that intrastate blood banking, although not subject to licensure, is nevertheless subject to regulation under other provisions of the Public Health Service Act, and that the interstate controls under both acts impinge directly upon intrastate commerce.

8. One comment expressed concern that registration would make the collection of a unit of blood illegal in the case of an emergency. These comments, however, misconceive the intent and purpose of registration. The Food and Drug Administration does not desire to question the medical judgment of a physician prescribing treatment for a patient during a medical emergency, and registration will not operate to make blood collected during such circumstances illegal.

9. A question has been raised about the intent of § 273.237 (21 CFR 273.237) as it appeared in the August 26, 1972, proposal, in that it could have been interpreted to mean that all firms licensed under section 351 of the Public Health Service Act for any biologic product were exempt from the registration requirement. In light of the recently proposed implementing regulations for the Drug Listing Act of 1972, which would remove the exemption for all section 351 licensees, the Commissioner has determined that confusion will be minimized through the implementation of the registration requirement for all blood banks immediately, regardless of whether or not they are section 351 licensees. All blood banking facilities, without exception, are therefore required to register pursuant to the provisions of the new § 273.237.

10. At such time as 21 CFR Part 132 is revised to implement regulations for

the Drug Listing Act of 1972, blood banking facilities registered pursuant to the new § 273.237 (21 CFR 273.237) will be expected to fully comply with the requirements of the revised Part 132.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 510, 701, 52 Stat. 1040-1042, as amended, 76 Stat. 794, as amended by 79 Stat. 231-232 and 84 Stat. 1282, 52 Stat. 1055-1056, as amended by 70 Stat. 948, 21 U.S.C. 321, 360, 371; the Public Health Service Act (sec. 351, 58 Stat. 702, as amended, 42 U.S.C. 262), and the Administrative Procedure Act (secs. 4 and 10, 60 Stat. 238 and 243, as amended, 5 U.S.C. 553, 702, 703, 704), and under authority delegated to the Commissioner (21 CFR 2.120), 21 CFR Parts 132 and 273 are amended as follows:

1. In Part 132, paragraph (b) of § 132.51 is revised to read as follows:

§ 132.51 Exemptions for domestic establishments.

(b) Hospitals, clinics, and public health agencies which maintain establishments in conformance with any applicable local laws regulating the practices of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs, other than human blood or blood products, upon prescription of practitioners licensed by law to administer such drug for patients under the care of such practitioners in the course of their professional practice.

2. In Part 273, the following new § 273.237 is added.

§ 273.237 Registration of blood banks and other firms collecting, manufacturing, preparing, or processing human blood or blood products.

(a) All owners or operators of establishments that engage in the collection, manufacturing, preparation, propagation, compounding, or processing of human blood or blood products are required to register, pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act. Registration and listing of products shall comply with 21 CFR Part 132. Registration does not permit any blood bank or similar establishment to ship blood or blood products in interstate commerce.

(b) Forms for registration of an establishment are obtainable on request from the Bureau of Biologics (BI-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852, or at any of the Food and Drug Administration district offices.

(c) The completed form should be mailed to Blood Bank Registration (BI-7), Bureau of Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Effective date. This order shall become effective April 3, 1973. All affected blood banks and other firms collecting, manufacturing, preparing, or processing human blood or blood products shall submit their registration form within that time.

(The Federal Food, Drug, and Cosmetic Act, secs. 201, 510, 701, 52 Stat. 1040-1042, as amended, 76 Stat. 794, as amended by 79 Stat. 231-232 and 84 Stat. 1282, 52 Stat. 1055-1056, as amended by 70 Stat. 948, 21 U.S.C. 321, 360, 371; the Public Health Service Act, sec. 351, 58 Stat. 702, as amended, 42 U.S.C. 262; and the Administrative Procedures Act; secs. 4 and 10, 60 Stat. 238 and 243, as amended, 5 U.S.C. 553, 702, 703, 704)

Dated: January 17, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-1706 Filed 1-30-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SUBCHAPTER A—INTRODUCTION

[Docket No. R-73-210]

PART 300—GENERAL

Power of Attorney

Paragraph (c) of § 300.11 is amended by bringing current the list of attorneys-in-fact authorized to act on behalf of the Association.

Notice and public procedure on this amendment are dispensed with because it does not adversely affect any existing rights and it is necessary to carry out the day to day business of the Association. Part 300 is amended as follows:

1. Section 300.11(c) is revised to read:

§ 300.11 Power of attorney.

(c) The persons appointed attorneys-in-fact by paragraph (a) of this section are:

(1) Federal National Mortgage Association, a Government-sponsored private corporation.

(2) Margaret M. Ake, of Los Angeles, Calif.

(3) Allan E. Arneson, of Los Angeles, Calif.

(4) Robert P. Atkinson, of Chicago, Ill.

(5) Walter T. Ausfeld, of Atlanta, Ga.

(6) Lawrence S. Banks, of Dallas, Tex.

(7) Frank L. Barczewski, of Los Angeles, Calif.

(8) Gordon C. Bell, of Dallas, Tex.

(9) Donald E. Berg, of Dallas, Tex.

(10) Norman Camber, of Los Angeles, Calif.

(11) Howard S. Carnes, of Atlanta, Ga.

(12) Russell B. Clifton, of Washington, D.C.

(13) W. D. Cornwell, of Atlanta, Ga.

(14) Thomas G. Dawson, of Dallas, Tex.

(15) John J. Deisher, of Philadelphia, Pa.

(16) Joseph R. Eldred, of Philadelphia, Pa.

(17) Ray M. Evans, Jr., of Dallas, Tex.

(18) Leon Fine, of Philadelphia, Pa.

(19) H. J. Flewharty, of Dallas, Tex.

(20) Norbert C. Greene, of Philadelphia, Pa.

(21) John J. Hagerty, of Philadelphia, Pa.

(22) Eugene J. Hansen, of Chicago, Ill.

(23) Charles W. Harvey, Jr., of Philadelphia, Pa.

(24) John R. Hayes, of Chicago, Ill.

(25) J. W. Hester, Jr., of Atlanta, Ga.

(26) Elwyn V. Hopkins, of Washington, D.C.

(27) George L. Huckabee, of Dallas, Tex.

(28) Fred J. Jankowski, of Chicago, Ill.

(29) Harry E. Johnson, of Washington, D.C.

(30) Hughes A. King, of Dallas, Tex.

(31) John F. Kurth, of Chicago, Ill.

(32) Louis Lane, of Los Angeles, Calif.

(33) C. James Larkin, of Los Angeles, Calif.

(34) Oliver J. McCarron, of Philadelphia, Pa.

(35) James A. McClellan, of Chicago, Ill.

(36) Hugh J. McConville, of Dallas, Tex.

(37) James L. McKnight, of Los Angeles, Calif.

(38) Frank E. Moll, of Los Angeles, Calif.

(39) Howard A. Morton, of Chicago, Ill.

(40) James D. Nelson, of Dallas, Tex.

(41) Vincent H. Nelson, of Atlanta, Ga.

(42) Philip R. Nichols, Jr., of Philadelphia, Pa.

(43) Albert D. Oltman, of Los Angeles, Calif.

(44) Sam Pampalone, of Chicago, Ill.

(45) Joseph T. F. Quinn, of Philadelphia, Pa.

(46) Norman M. Reid, of Los Angeles, Calif.

(47) Harry Rode, of Dallas, Tex.

(48) Edward N. Sambol, of Chicago, Ill.

(49) Richard Stern, of Chicago, Ill.

(50) Marvin F. Strattman, of Los Angeles, Calif.

(51) T. J. Swanson, Jr., of Atlanta, Ga.

(52) Keller D. Thormahlen, of Dallas, Tex.

(53) Jack Tuggle, of Los Angeles, Calif.

(54) Esther O. Walder, of Philadelphia, Pa.

(55) Walter B. Williams, of Atlanta, Ga.

Effective date. This amendment shall be effective on January 31, 1973.

WOODWARD KINGMAN,
President, Government National
Mortgage Association.

[FR Doc.73-1817 Filed 1-30-73;8:45 am]

Title 29—Labor

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

PART 1915—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

Deletion of Regulations Establishing Penalties and Requiring Notification of Accidents

Pursuant to authority in sections 6(b) and 8(g), of the Williams-Steiger Occupational Safety and Health Act of 1970 (OSHA) (29 U.S.C. 655, 657), section 41

of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941), Secretary of Labor's Order No. 12-71 (36 FR 8754), and the regulations in 29 CFR 1911.5 (37 FR 8664), Part 1915 of Title 29 of the Code of Federal Regulations is hereby amended by the deletion of §§ 1915.3 and 1915.6 as set forth below.

The ship repairing standards in Part 1915 have been incorporated by reference under the Occupational Safety and Health Act (29 U.S.C. 651 et seq.). The incorporation is published in § 1910.13 of the aforementioned title. Section 1915.3 does not contain a standard. It describes a statutory penalty for violations of section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941). However, to avoid possible confusion to persons following the reference under the Occupational Safety and Health Act, § 1915.3 is hereby deleted. The deletion, of course, does not derogate from the statutory penalty.

Section 1915.6 requires an employer to follow special reporting procedures when an accident results in a fatality or serious injury. The same information must be reported under § 1904.8 of the aforementioned title, a rule issued under the Occupational Safety and Health Act which applies concurrently with § 1915.6. Under these circumstances, § 1915.6 is deleted as being unnecessary.

Notice and public procedure under 5 U.S.C. 553 concerning the deletion of § 1915.6 are found unnecessary because of the minor rulemaking involved. The deletion of § 1915.3 is essentially an editorial change.

Accordingly, the amendments to Part 1915 are as follows:

1. Section 1915.3 *Penalty* is deleted.
2. Section 1915.6 *Notification of accidents resulting in fatalities or serious injuries*, is deleted.

(Secs. 6(b), 8(g), 84 Stat. 1593, 1598 (29 U.S.C. 655, 657); Sec. 41, 44 Stat. 1444 (33 U.S.C. 941); Secretary of Labor's Order No. 12-71, 36 FR 8754)

Effective date. This amendment shall become effective January 29, 1973.

Signed at Washington, D.C. this 23d day of January 1973.

CHAIN ROBBINS,
Acting Assistant Secretary
of Labor.

[FR Doc. 73-1824 Filed 1-30-73; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 50—PUBLIC CONTRACTS, DEPARTMENT OF LABOR

PART 50-250—VETERANS' EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS

Part 50-250 of Title 41, Code of Federal Regulations, is hereby revised to implement the provisions of 38 U.S.C. section 2012 as enacted by the Veterans' Employment and Readjustment Act of 1972 (Public Law 92-540).

Executive Order No. 11598 promulgated on June 16, 1971 (36 FR 11711), was designed to facilitate the employ-

ment of returning veterans by requiring Federal agencies and Federal contractors and their subcontractors to list certain employment openings with the employment service system. Regulations implementing that Executive Order were promulgated on September 14, 1971 (36 FR 18398), and are published at 41 CFR Part 50-250. Affected Government agencies issued implementing regulations including those amending the Federal Procurement Regulations (37 FR 2769) and those amending the Armed Services Procurement Regulations (Defense Procurement Circular No. 95, November 29, 1971).

The above-mentioned Veterans' Employment and Readjustment Act of 1972 provides and makes effective on January 24, 1973, a veterans' employment emphasis under Federal contracts which is similar to that of Executive Order 11598 and directs the President to promulgate implementing regulations.

Executive Order No. 11701 (38 FR 2675), authorizes and directs the Secretary of Labor to issue regulations as may be necessary to carry out the provisions of section 2012 of title 38 of the United States Code, and that Order.

Notice of proposed rule making procedures would involve delay in compliance with the implementation requirements of Public Law 92-540. Accordingly, the revised regulations shall become effective January 24, 1973.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the provisions of 5 U.S.C. 553. See 29 CFR 2.7. In accordance with the spirit of the public policy set forth in the above-mentioned section, interested parties may submit written comments, suggestions, data, or arguments to the Manpower Administrator, U.S. Department of Labor, Washington, D.C., within 30 days of the publication of the regulations contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal.

The Federal Procurement Regulations clause at 41 CFR 1-12.1102-3 and the Armed Services Procurement Regulations clause at ASPR 7-103.27 may be used by procuring agencies which are governed by those regulations until such time as those regulations are amended to conform with the revised 41 CFR Part 50-250.

41 CFR Part 50-250 is revised to read as follows:

- | | |
|----------|--|
| Sec. | |
| 50-250.1 | Purpose and scope. |
| 50-250.2 | Required clause in Federal contracts and subcontracts. |
| 50-250.3 | Veteran priority in referrals. |
| 50-250.4 | Obligations of executive departments and agencies. |
| 50-250.5 | Deviations. |
| 50-250.6 | Failure to comply—enforcement. |
| 50-250.7 | Manpower Administration Regional Offices. |
| 50-250.8 | Federal departments and agencies. |

AUTHORITY: Section 503, 86 Stat. 1097, 38 U.S.C. section 2012; and E.O. 11701, 38 FR 2675.

§ 50-250.1 Purpose and scope.

This part contains the Department of Labor rules and regulations requiring listing of employment vacancies with the Federal-State Employment Service system by Federal contractors and subcontractors pursuant to section 503, title V of the Veterans' Employment and Readjustment Act of 1972 and Executive Order 11701, 38 FR 2675.

§ 50-250.2 Required clause in Federal contracts and subcontracts.

In every contract for \$2,500 or more, for the procurement of personal property and nonpersonal services (including construction) for the United States made and entered into by any department or agency of the Federal Government or any federally owned corporation and every subcontract entered into by the prime contractor in carrying out such contract, the contracting officer shall include, either directly or by reference, the following contract clause in (a) all invitations for bids and requests for proposals, and (b) all contracts, including contracts resulting from unsolicited proposals. The contract clauses prescribed by the Federal Procurement Regulations and by the Armed Services Procurement Regulations may be used instead of the clause set forth herein. The contract clause is as follows:

LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR 50-250 if this contract is for \$2,500 or more.)

(a) The contractor, to provide special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, agrees that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such reports to such local office regarding employment openings and hires as may be required: *Provided*, That if the contract is for less than \$10,000 or if it is with a State or local government the reports set forth in paragraphs (c) and (d) of this clause are not required.

(b) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment service or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and non-veterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the Contractor from any requirements in any Executive Orders or regulations regarding nondiscrimination in employment.

(c) The reports required by paragraph (a) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the contractor has more than

one establishment in a State, with the central office of that State employment service. Such reports shall indicate for each establishment (1) the number of individuals who were hired during the reporting period, (2) the number of those hired who were disabled veterans, and (3) the number who were nondisabled veterans of the Vietnam era. The contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract. The contractor shall maintain copies of the reports submitted until the expiration of 1 year after final payment under the contract, during which time they shall be made available, upon request, for examination by any authorized representatives of the contracting officer or of the Secretary of Labor.

(d) Whenever the contractor becomes contractually bound to the listing provisions of this clause, he shall advise the employment service system in each State wherein he has establishments of the name and location of each such establishment in the State. As long as the contractor is contractually bound to these provisions and has so advised the State system there is no need to advise the State system of subsequent contracts. The contractor may advise the State systems when it is no longer bound by this contract clause.

(e) This clause does not apply to the listing of employment openings which occur and are filled outside of the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(f) This clause does not apply to openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(g) As used in this clause:

(1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings which are compensated on a salary basis of less than \$18,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) "Openings which the contractor proposes to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings

which the contractor proposes to fill from regularly established "recall" or "rehire" lists.

(4) "Openings which the contractor proposes . . . to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings for which no consideration will be given to persons outside of a special hiring arrangement, including openings which the contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the contractor and representatives of his employees.

(5) "Disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans' Administration for disability rated at 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

(6) "Veteran of the Vietnam era" means a person (1) who (i) served on active duty for a period of more than 180 days, any part of which occurred after August 5, 1964, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for service-connected disability if any part of such duty was performed after August 5, 1964, and (2) who was so discharged or released within the 48 months preceding his application for employment covered under this part.

(h) The contractor agrees to place this clause (excluding this paragraph (h)) in any subcontract of \$2,500 or more directly under this contract. This clause shall apply to any subcontract entered into by the contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States.

§ 50-250.3 Veteran priority in referrals.

The local offices of the Federal-State employment service shall give priority in referral to disabled veterans and veterans of the Vietnam era to such employment openings listed by contractors and subcontractors pursuant to this part.

§ 50-250.4 Obligation of executive departments and agencies.

Executive departments and agencies shall issue amendments or additions to their procurement rules and regulations as may be necessary to conform those rules and regulations to the requirements of the Vietnam Era Veterans' Readjustment Assistance Act of 1972, Executive Order 11701, and these regulations. Such amendments or additions shall be issued in consultation with the Secretary of Labor. Requests for consultation may be made to the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210.

§ 50-250.5 Deviations.

Under the most compelling circumstances, deviation from the provisions of this part may be made, subject to the approval of the Secretary of Labor. Requests for any such deviations shall be addressed to the Secretary of Labor, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, or to the Regional Manpower Administrator of the U.S. Department of Labor of the region wherein the contract is to be signed, and shall set forth the reasons for the request.

§ 50-250.6 Failure to comply—enforcement.

(a) Upon receipt of notice of failure of a contractor or subcontractor to comply with the provisions of this Part, the cognizant Government agency or agencies shall take such action as may be appropriate in consonance with the default provision of the contracts concerned.

(b) If any disabled veteran or veteran of the Vietnam era believes any contractor or subcontractor has failed or refuses to comply with the provisions of his contract with the United States relating to giving special emphasis in employment to veterans, such veteran may file a complaint with the veterans' employment representative at a local State employment service office who will attempt to informally resolve the complaint and then refer the complaint with a report on the attempt to resolve the matter to the State office of the Veterans' Employment Service of the Department of Labor. Such complaint shall then be promptly referred through the Regional Manpower Administration to the Secretary of Labor who shall investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

§ 50-250.7 Manpower Administration Regional Offices.

Following are the addresses of the regional offices of the Manpower Administration of the Department of Labor, together with a list of the States and territories in each region. The addresses of the State and local offices of the various State employment services can be obtained at the office of the appropriate Regional Manpower Administrator.

Region I—Room 1703, J. F. Kennedy Federal Building, Government Center, Boston, Mass. 02203. (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.) Region II—Room 716, 341 Ninth Avenue, New York, NY 10001. (New York, New Jersey, Puerto Rico, and the Virgin Islands.) Region III—Post Office Box 8796, Philadelphia, Pa. 19101. (5000 Wissahickon Avenue, do not use street address for mailing purposes). (Delaware, Maryland, Pennsylvania, Virginia, and West Virginia.) Region IV—Room 405, 1371 Peachtree Street NE., Atlanta, GA 30309. (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.) Region V—Room 2402, Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604. (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.) Region VI—7th Floor, Federal Center, 1100 Commerce Street, Dallas, TX 75201. (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.) Region VII—Room 3000, Federal Building, 911 Walnut Street, Kansas City, MO 64106. (Iowa, Kansas, Missouri, and Nebraska.) Region VIII—Room 16015, Federal Office Building, 1961 Stout Street, Denver, CO 80208. (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.) Region IX—Room 10064, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102. (Arizona, California, Guam, Hawaii, and Nevada.) Region X—Arcade Plaza, 1321 Second Avenue, Seattle, WA 98101. (Alaska, Idaho, Oregon, and Washington.) District of Columbia—Room 341, 555 Pennsylvania

Avenue NW., Washington, DC 20212. (District of Columbia.)

§ 50-250.8 Federal departments and agencies.

Federal executive departments and agencies in order to implement the Federal executive policy of assistance to Veterans in obtaining employment, shall list all of their employment openings, for which they have direct-hire authority or which are in the service excepted, with the appropriate office of the Federal-State Employment Service. They shall also furnish to the Secretary of Labor such reports and information as he may require in carrying out his responsibilities under the Veterans' Employment and Readjustment Act of 1972, and Executive Order 11701.

The effective date of this revision is January 24, 1973.

Signed at Washington, D.C. this 24th day of January 1972.

J. D. Hodgson,
Secretary of Labor.

[FR Doc. 73-1852 Filed 1-30-73; 8:45 am]

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-2—AFFIRMATIVE ACTION PROGRAMS

Agency Action

On August 31, 1972, notice of proposed rule making was published in the *FEDERAL REGISTER* (37 FR 17765) with regard to amending § 60-2.2 of Chapter 60 of Title 41 of the Code of Federal Regulations. Interested persons were given 30 days in which to submit written comments, suggestions, or objections.

Having considered all relevant material submitted, I have decided to, and do hereby amend § 60-2.2 of Chapter 60 of Title 41 of the Code of Federal Regulations as follows:

§ 60-2.2 Agency action.

(a) (1) Any contractor required by § 60-1.40 of this chapter to develop an affirmative action program at each of his establishments who has not complied fully with that section is not in compliance with Executive Order 11246, as amended (30 FR 12319). Until such programs are developed and found to be acceptable in accordance with the standards and guidelines set forth in §§ 60-2.10 through 60-2.32, the contractor is unable to comply with the employment opportunity clause. An affirmative action plan shall be deemed to have been accepted by the Government at the time appropriate compliance agency has accepted such plan unless within 45 days thereafter the Office of Federal Contract Compliance has disapproved such plan.

(2) The appropriate compliance agency shall notify the contractor and the Office of Federal Contract Compliance when it has accepted an affirmative action plan.

(b) If, in determining such contractor's responsibility for an award of a

contract it comes to the contracting officer's attention, through sources within his agency or through the Office of Federal Contract Compliance or other Government agencies, that the contractor has not developed an acceptable affirmative action program at each of his establishments or has substantially deviated from such an approved affirmative action program, the contracting officer shall notify the Director and declare the contractor-bidder nonresponsible unless he can otherwise affirmatively determine that the contractor is able to comply with his equal employment obligations or, unless upon review, it is determined by the Director that substantial issues of law or fact exist as to the contractor's responsibility to the extent that a hearing is, in his sole judgment, required prior to a determination that the contractor is nonresponsible: *Provided*, That during any preaward conferences every effort shall be made through the processes of conciliation, mediation and persuasion to develop an acceptable affirmative action program meeting the standards and guidelines set forth in §§ 60-2.10 through 60-2.32 so that, in the performance of his contract, the contractor is able to meet his equal employment obligations in accordance with the equal opportunity clause and applicable rules, regulations, and orders: *Provided further*, That when the contractor-bidder is declared nonresponsible more than once for inability to comply with the equal employment opportunity clause a notice setting a timely hearing date shall be issued concurrently with the second nonresponsibility determination in accordance with the provisions of § 60-1.26 proposing to declare such contractor-bidder ineligible for future contracts and subcontracts.

(c) Immediately upon finding that a contractor has no affirmative action program or has deviated substantially from an approved affirmative action program or that his program is not acceptable, the contracting officer, the compliance agency representative or the representative of the Office of Federal Contract Compliance, whichever has made such a finding, shall notify officials of the appropriate compliance agency and the Office of Federal Contract Compliance of such fact. The compliance agency shall issue a notice to the contractor giving him 30 days to show cause why enforcement proceedings under section 209(b) of Executive Order 11246, as amended, should not be instituted.

(1) If the contractor fails to show good cause for his failure or fails to remedy that failure by developing and implementing an acceptable affirmative action program within 30 days, the compliance agency, upon the approval of the Director, shall immediately issue a notice of proposed cancellation or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts pursuant to § 60-1.26 (b) of this chapter, giving the contractor 14 days to request a hearing. If a request for hearing has not been received within 14 days from such notice, such contractor will be declared ineligible for future con-

tracts and current contracts will be terminated for default.

(2) During the "show cause" period of 30 days every effort shall be made by the compliance agency through conciliation, mediation, and persuasion to resolve the deficiencies which led to the determination of nonresponsibility. If satisfactory adjustments designed to bring the contractor into compliance are not concluded, the compliance agency, with the prior approval of the Director, shall promptly commence formal proceedings leading to the cancellation or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts under § 60-1.26(b) of this chapter.

(d) During the "show cause" period and formal proceedings, each contracting agency must continue to determine the contractor's responsibility in considering whether or not to award a new or additional contract.

Effective date. This amendment shall be effective January 31, 1973.

Signed at Washington, D.C., this 23d day of January 1973.

J. D. Hodgson,
Secretary of Labor.

[FR Doc. 73-1829 Filed 1-30-73; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18397; FCC 73-80]

PART 76—CABLE TELEVISION SERVICES

Memorandum opinion and order. In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rule making and/or legislative proposals, Docket No. 18397.

1. On June 24, 1970, we adopted the Second Report and Order in Docket No. 18397, 23 FCC 2d 816, in which we adopted § 74.1131—now § 76.501—of our cable television rules. Petitions for reconsideration and other pleadings have been filed, and we now address the objections.

2. Petitions and informal requests for reconsideration of the second report were received, during the regular filing period, from—

American Broadcasting Co. (ABC);
Central California Communications Corp. (CCCC);
Carter Publications, Inc.;
Columbus Cablevision, Inc.;
Fetzer Broadcasting Co.;
Gill Industries;
Gross Telecasting, Inc.;
Hazard Television Co., Inc.;
King Broadcasting Co.;
Liberty Television, Inc.;
McClatchy Newspapers;

* Redesignated as Part 76, in issue of February 12, 1972; 37 FR 3252.

Midcontinent Broadcasting Co.;
Monroe Cablevision, Inc.;
Morris, Lloyd P.;
National Association of Broadcasters (NAB);
National Association of Educational Broad-
casters (NAEB);
National Broadcasting Co., Inc. (NBC);
Newhouse Broadcasting Corp.;
Post Co.;
Stauffer Publications, Inc., and Tribune Pub-
lishing Co., filing jointly (Stauffer);
Susquehanna Broadcasting Corp.;
Triangle Broadcasting Corp.; and
Vincennes University.

Subsequently, late-tendered pleadings were received from Connecticut Television, Inc. (CTI), and Broadcast-Plaza, Inc. (BPI), and supplementary pleadings were tendered by Columbus, Fetzer, Liberty, NAB, NAEB, Newhouse, and Stauffer. All of these are accepted for filing, and, in addition we have considered, in this context, a related rule making petition by Roanoke Telecasting Corp.

SUMMARY OF PLEADINGS

3. The respondents variously request that the Commission: (1) Rescind § 76.501 entirely, or with particular respect to television networks or stations (all stations, or UHF or educational stations), either permanently or pending further study; (2) postpone the effective date of the rule; (3) rescind or modify the divestiture requirements, or lengthen the 3-year divestiture period, or articulate standards for case-by-case waiver of the rule; or (4) with respect to station-system cross-relationships, substitute some other measure (geographic, economic, audience size et al.) of co-location for the present predicted-Grade-B-contour standard; or (5) expressly preempt the subject of cross-ownership, to prevent States and local governments from adopting standards more stringent than those adopted by the Commission.

4. Full rescission of § 76.501 is urged by CCCC, Columbus, Fetzer, Gill, Monroe, NAB, and Newhouse. Monroe and Newhouse contend that, as a matter of law (section 4 of the Administrative Procedure Act, 5 U.S.C. 553(c)) and policy, the record on which the Commission relied in adopting § 76.501 was inadequate, in that the rule is justified in the second report primarily on the basis of theories and speculations unsupported by facts, and that the facts cited in that document are irrelevant. Specifically, Newhouse contends that the statement therein that 46 percent of the cable systems started in 1966 were "owned by radio or television stations" is irrelevant because it (i) doesn't indicate what percentage was owned by television stations, and (ii) indicates no trend toward domination of cable by broadcasters when considered together with the fact that, as of the date of issuance of the second report, fewer than 400,000 cable subscribers were served by systems within the Grade B contours of co-owned television stations. Moreover, Newhouse argues, the Commission, having made no determination

as to what constitutes adequate communications media competition, cannot properly evaluate the need for remedial, or even preventative, action.

5. NAB cites the "Seiden Report" ("Mass Communications in the United States," filed in Docket No. 18110 in January 1972, 6 months after adoption of the second report herein) as proof that "there is a very large diversity of media available to the public, in virtually every market regardless of size," to such extent that (apart from unique situations which could be dealt with on an ad hoc basis) "co-located cable television cross-ownership could not and would not significantly affect it." Newhouse and Fetzer cite data regarding some specific cable localities as evidence that adequate media competition exists.

6. Newhouse contends that, if broadcasters are excluded from cable system operation, other large corporations will move in without the broadcasters' record of public service, and it suggests that certain multiple-system operators favor § 76.501 because it "enables" them to increase their share of the CATV market by eliminating a strong source of competition for local markets." In response to the argument that cable-broadcast cross-ownership of the sorts dealt with in § 76.501 would encourage subordination of local-interest cablecasting to more profitable broadcast operations, Newhouse cites the voluntary importation of non-Newhouse TV broadcast signals by a Newhouse system within the Grade B contour of a co-owned television station.

7. Cross-ownership doesn't conflict with the Commission's "many voices" objective, Newhouse contends, since: (1) a cable system brings so many additional "voices" to the television set that any offsetting effects of local-cross ownership become insignificant; (2) a cable system conducting origination cablecasting will presumably focus on very local news and public service programming, something a TV broadcaster cannot do, and so station and system programming will not reinforce each other but rather concentrate on different subjects; and (3) cable systems can be (and, Gill notes, under the 1972 cable rules, in many cases are) required to provide access channels for programming not under the system operator's control. Newhouse, Columbus, and NAB assert that the Commission's primary basis for adoption of § 76.501 was the expectation that cable systems would originate cablecast programming to a significant extent in compliance with the program-origination rule (now § 76.201(a)), and claim that that basis has been invalidated by the Commission's stay-of-implementation of the program-origination requirement.²

² The stay was ordered by the Commission after the U.S. Court of Appeals, Eighth Circuit, declared the program-origination requirement null and void. *Midwest Video Corp. v. U.S.*, 441 F. 2d 1322 (1971). Subsequently, the Supreme Court reversed that Eighth Circuit decision (406 U.S. 649 (1972)), but the Commission has not yet acted to terminate the stay.

8. The Commission's contention, in footnote 2 of the second report, that "diversification rules would be desirable even if CATV operations were limited to carriage of broadcast signals and common carrier activities, in view of the limited number of broadcast and newspaper media in all communities, and the potential importance of cable facilities in providing many communications services," is dispute by Newhouse and Columbus on the ground that it "represents an arbitrary assumption of antitrust jurisdiction using patently wrong antitrust theories," since (1) cable and broadcasting are different industries in separate markets, and (2) there is an ample supply of media voices. Moreover, Newhouse argues, the future shape of cable television cannot be foreseen with certainty, and regulatory policies should not be based upon speculative prediction.

9. NAB contends that, as a result of our adoption of the Cable Television Report and Order in Docket No. 18397 (37 FR 3251, February 12, 1972), enough is now known about the future shape of cable to warrant rescission of § 76.501. Specifically, NAB says, under the new rules: (1) The TV broadcast signal carriage by cable systems is now predetermined more than ever by detailed rules, and hence the cable operator is, for the most part, unable to favor a co-owned local television station (or disadvantage a competing local TV station) by his distant-signal-carriage choices; and (2) the emphasis is now on access rather than origination cablecasting (with the cable operator rewired in the top 100 markets to provide at least three access channels beyond his programming control).

10. Newhouse contends that the provisions of § 76.501 lie beyond the Commission's statutory authority. It argues that nothing in the Communications Act prohibits a broadcast licensee from engaging in any proper type of business; cites a judicial decision for the proposition that the Commission lacks statutory authority to adopt a rule barring newspaper publishers from broadcast station ownership; and from that infers that the § 76.501 ban on television-cable cross-ownership also exceeds the Commission's statutory authority. Newhouse further argues that the Commission's power to regulate cable is limited to that reasonably ancillary to regulation of broadcasting, and questions whether cable system ownership may be included under that rubric.

11. Rescission of § 76.501(a)(1), regarding cross ownership et al. of cable systems with national television networks, is urged by two of the three national TV broadcast networks, ABC and NBC. In support of this request, they argue that: (1) Absent evidence of illegality or wrongdoing, adoption of the network cross-ownership ban is unfair to the networks and contrary to legal tradition in that (i) without good cause it bars an industry from experimenting with or adopting a new technology in developments related to its normal function of program distribution, and (ii) it

¹ Or let UHF stations hold noncontrolling interests in co-located cable systems.

is unheard of in American law (under such circumstances) to impose per se disqualifications from future business interests and require divestiture of a business lawfully acquired or engaged in (NBC). (2) The Commission's Notice * * * in Docket No. 18397 did not inform parties that the question of network ownership of cable systems would be decided, and thus the rulemaking "notice" requirements in the Administrative Procedure Act have not been met; although some respondents to the notice commented on the network question, only 1 month (April 3 to May 12, 1969) was allowed for reply comment; and the question of TV broadcast network cross-ownership with cable systems is a major one which warrants full investigation and full opportunity for comment (ABC). (3) The Commission's fear that television network ownership of cable systems might inhibit cable development is contradicted by the fact that the television industry itself was developed to a large degree by radio broadcast licensees and networks, and newspaper and theater owners (ABC, NBC). And (4) the prohibition against network ownership of cable systems is premature, and could hamper cable growth, since (i) only a few cable subscribers are served by network-owned systems (ABC, NBC); (ii) cable television is at too early a stage of development, and its expansion and innovation needs and risks are too great for the Commission to deny ownership to those whose natural interest and communications innovation history may be the greatest; (iii) exclusion of TV network investment in cable systems will be without any justification if cable systems become essentially common carriers as a result of the Commission's rulemaking decisions designed to promote program diversity; and (iv) there is no problem of overconcentration of network ownership in cable television now, and there will be time enough to deal with the problem, if it is one, when the Commission knows what the role of cable is to be (ABC).

12. Rescission of § 76.501(a)(2), regarding cross-ownership et al. of cable systems with co-located television broadcast stations, is urged specifically by BPI, Carter, Columbus, CTI, Gill, McClatchy, and Midcontinent; and implicitly by Fetzer, Hazard, Liberty, and Monroe. Monroe objects to the local station-system cross-ownership ban on the ground that it prevents station licensees, who receive no compensation from cable systems for television broadcast carriage, from at least getting indirect compensation via ownership of cable systems in their own areas. Monroe further contends that the station-system cross-ownership ban reverses the Commission position expressed in Docket No. 15415; that the Commission's rationale for that reversal (i.e., that its previous view had not taken local cablecasting and other potential nonbroadcast communications services by cable systems) since, during the pendency of Docket No. 15415, the Commission could not have been unaware of these potentialities; and that

the Commission's attempt, via § 76.501(a)(2), to foster competition between cable systems and co-located TV stations, is inconsistent with its claim of jurisdiction over cable on the ground that cable regulation is necessary to protect TV stations from cable system competition.

13. CTI contends that the station-system cross-ownership ban is insufficiently supported in the record because it is based not on allegations or evidence of any existing pattern of abuse, but rather on unjustified fear of potential anticompetitive abuse and unwarranted expectations that cable would play a pivotal role as an opinion molder; Liberty notes that the second report contains no findings regarding the degree of local cross-ownership in the United States; and Gill notes that no showing was made of any abuses in system operators' control of origination cablecast channels. McClatchy states that, as of January 1, 1970, fewer than 150 operating cable systems, serving 380,000 subscribers (6 percent of the number of systems, and 8.4 percent of the number of subscribers, at that time) were owned by parties with an interest in a co-located system, and that these 380,000 subscribers constituted only 0.6 percent of the then 62,213,900 TV homes in the United States; and concludes, in the light of these figures, that the alleged problem is de minimis. CTI contends that the station-system local-cross-ownership ban reflects a mere mechanical transference of existing broadcast principles to the emerging cable industry (as evidenced, it says, by the across-the-board application of the ban to UHF and VHF stations, commercial and noncommercial stations, and majority and minority interests, all without regard to the number and kinds of communications media serving a particular area). Such "mechanical transference" is inappropriate, CTI says, because of the "fundamental technical and competitive distinctions between broadcasting and cable communications."

14. Such alleged "mechanical transference" is particularly inappropriate, CTI argues, in the light of developments subsequent to the issuance of the second report. In particular, CTI contends, it is becoming increasingly unlikely that cable operators will play a significant role in the influencing of opinion. Rather, it asserts, there is a growing probability that cable operators will have little control over their systems' nonbroadcast programming, and that even major systems may not be required to originate cablecast programming at all. This last point raises an important threshold question, CTI says, in that the Commission's adoption of § 76.501 was strongly influenced by the expectation that most major cable systems would be under a regulatory obligation to act as significant programming media. Monroe asserts that, in any event, cable operators have no interest in opinion influencing, and that their cable origination would affect public opinion mainly by providing access to multiple voices in the com-

munity. Gill comments that a cable system's ability to influence its subscribers' opinions is restricted by, inter alia, the existence of competing media, the limited amount of cable origination (as a result of cost considerations), and the application of "political broadcast" and "fairness doctrine" rules to origination cablecasting. BPI urges the Commission to permit TV broadcasters to take part in the development of co-located systems, both because doing so would be consistent with the Commission's desire to foster cable growth in the Nation's largest market areas and because it would benefit viewers for television broadcasters who know their own areas' needs and interests, and who know how to do programming, to have a role in local cable development.

15. Exemption of UHF television stations from the scope of § 76.501(a)(2) is favored by CTI and Roanoke and opposed by BPI. In support of an exemption for UHF stations, CTI states that: (1) Over the years, the Commission and Congress have adopted several measures to foster UHF in view of the technical and competitive disparities between UHF and VHF television, and the courts have regularly viewed such actions as valid exercises of Commission and congressional discretion; (2) but UHF and VHF are still far from competitive equals and there is continuing a need to foster UHF development; and (3) exemption of UHF television stations from the purview of § 76.501(a)(2) would materially foster the development of UHF television and would be fully consistent with regulatory policies previously adopted for that purpose. (As alternatives, if necessary, to full exemption of UHF stations from the local-cross-ownership ban, CTI urges that § 76.501(a)(2) be amended to permit a financially marginal UHF station to hold a minority interest in a co-located cable system, and to provide that UHF station-cable system cross-ownership shall be dealt with on a case-by-case basis.) Roanoke urges the Commission to allow UHF stations to have ownership interests in co-located cable systems on the grounds that (4) a UHF station with an ownership interest in a co-located cable system can supply it with program origination facilities and expertise, and, (5) if the cable system is successful, it can bring added revenues to a financially straitened UHF station which has an interest in it.

16. BPI, on the other hand, contends that a special exemption for UHF stations would be unsound because: (1) It would confer an undue competitive advantage upon certain UHF stations (e.g., profitable network-affiliated stations in such top-50 markets as Hartford-New Haven, which is served by only two VHF stations); (2) even in the case of marginal UHF stations, it is not clear that cable system local cross-ownership would

* Also, in July 1972, the All-Channel Television Society filed a rulemaking petition requesting amendment of § 76.501 to permit a UHF station to hold an ownership interest in a co-located cable system.

improve the UHF station's financial condition or public service comparability; indeed it is equally likely that the cable system adjunct would be a drain on the UHF station's resources; (3) an exemption predicated on the plight of struggling UHF stations would in no way further the Commission's cable television objectives, and should therefore not be allowed. BPI argues that: (i) The case for relaxing the cross-ownership ban rests largely on the contribution that broadcasters can make to the development of cable in their service areas; (ii) judged in that light, a rule which would permit the class of ETV stations with the least to contribute to enter cable business locally, but which would preclude entry by those TV licensees with the most to contribute, is hardly calculated to maximize the benefits of cable service to the public; (iii) to the extent that UHF stations are in a position to provide such assistance to cable television in an ownership capacity, they stand on no different footing than profitable VHF stations, and there is no reason why such UHF stations should be accorded preferential treatment.

17. Exemption of educational television stations from the terms of § 76.501 (a)(2) is urged by NAEB, "Vincennes University," and an individual educator, Mr. Lloyd P. Morris of Elwood Park, Ill. Their arguments are analogous in many respects to those contained in comments on the subject filed in response to the Notice of Proposed Rule-Making and of Inquiry in Docket No. 18891 (35 FR 11042, July 9, 1970). In footnote 1 of that document NAEB asserts, first, that the original notice . . . in Docket No. 18397 did not discuss the need for or desirability of a prohibition against educational television station-cable system local cross-ownership and that the second report sets forth no reasons for such a prohibition. However, NAEB continues, it is clear that the thrust of the Commission's comments and attention, with respect to TV station-cable system, concerned commercial stations. Second, NAEB cites the Commission's acknowledgement (in footnote 1 of our notice . . . in Docket No. 18891) that cross-ownership with a cable system may be financially beneficial to an ETV station. These financial opportunities alone warrant deletion of the present ETV-cable local cross-ownership ban. NAEB urges, because "most of the difficulties confronting educational television stations are directly traceable to the lack of adequate funding . . ." In response to the Commission's observation that other potential sources of funds are available to ETV stations, NAEB replies that the operation of a local cable system would (i) be directly available to a local ETV station, (ii) be based on its own industry and initiative, and (iii) avoid the "often-times tortuous delays involved in secur-

ing funds from more traditional sources." Third, NAEB argues, ETV stations, as owners of cable systems, would make good use of cable's potentialities for educational and public service programming, in that: (i) They would make full use of the cable's broadband and two-way capabilities; (ii) they could coordinate the programming activities of the ETV station and the cable system so that (a) imported signals would not have an adverse effect on the ETV station's offerings, and (b) distant ETV signals could supplement local ETV station offerings but harmful duplication would be avoided; and (iii) ETV stations have good knowledge of local tastes, needs, and desires by virtue of their deep and broad-based roots in the community. Fourth, Vincennes notes that the Commission used a "multiple voices" argument in support of its adoption of both § 76.501(a)(2) and recent amendments to the broadcast multiple-ownership rules (in the first report and order in Docket No. 18110, 22 FCC 2d 206 released Apr. 6, 1970), but that it specifically excluded ETV stations from the applicability of the Docket No. 18110 amendments. (Also, some of the comments filed in Docket No. 18891 argue that the "multiple voices" argument does not properly apply to ETV stations because, in the typical case, ETV station governing boards memberships have been deliberately chosen to represent a broad range of community interests.)

18. A stay of implementation of § 76.501 is urged by Gill, Hazard, NAB, and Triangle. Gill, Hazard, and Triangle contend that it is unfair to single out TV broadcast-cable cross-ownership for early disposition because the Commission cannot logically isolate the questions pertaining to such cross-ownership from the questions pertaining to cross-ownership of cable systems with other mass-communications-media entities. The NAB urged deferral of the effective date of section 76.501 until the true nature of cable is clarified and until pertinent questions raised in the Commission's broadcast-multiple-ownership docket (No. 18110) are clarified.

19. Rescission or modification of the divestiture requirement: Most of the petitioners urge (1) rescission of the divestiture requirement of § 76.501, either (i) totally, or insofar as that requirement applies to (ii) networks or (iii) television stations; (2) extension of the present 3-year divestiture grace period; or (3) enunciation of appropriate standards for (i) general exceptions to, or (ii) case-by-case waivers of, the divestiture requirement.

20.—Rescission: NAB, urging total rescission of the divestiture requirement, cites a series of Commission actions which, in NAB's view, encouraged a number of broadcasters to enter the cable television field in the mistaken belief that subsequent divestiture would not be required. In the light of that history, NAB believes, the imposition of a divestiture requirement constitutes "a lack of elemental fairness." NBC criticizes the divestiture requirement, insofar

as it applies to the networks, as unfair, invalid, and contrary to the public interest in view of an absence of findings of wrongdoing, illegality, or monopoly, and failure to consider the networks' contributions to cable television during cable's experimental period.

21.—Re co-located television stations: Several of the petitioners (CCCC, Carter, Columbus, CTI, Fetzer, Gill, Liberty, McClatchy, Midcontinent, Newhouse, NAB, Post, and Stauffer) urge rescission of the divestiture requirement insofar as it applies to co-located television broadcast stations. In support of such rescission it is argued that (i) procedural requirements have been violated; (ii) Commission precedent has been ignored; (iii) the divestiture requirement is injurious to present owners; (iv) the record is insufficient to justify the requirement; (v) mandatory divestiture is an extreme and unlawfully harsh remedy; (vi) it is discriminatorily ill-timed; and (vii) this timing forces cable operators to make "gambling" decisions regarding divestitures.

22. The procedural requirements of section 316(a) of the Communications Act were violated in the adoption of the mandatory-divestiture requirement, according to Columbus, McClatchy, Midcontinent, and Newhouse. They argue that: (1) The Commission asserts, in paragraphs 17 and 18 of the Second Report, that, in banning certain cross-ownership with cable systems, it is exercising a licensing function with respect to cable; but (2) section 316(a) prohibits modification of "Any station license . . . by the Commission . . . until the holder of the license . . . (has) been given reasonable opportunity to show cause why such order of modification should not issue, and section 316(b) provides that the burdens of proof and of proceeding with the introduction of evidence are on the Commission; and yet (3) cable operators with interests in co-located television stations have been afforded an opportunity for a public hearing. Although (4) it is conceded that the Commission through rule making change the operating requirements of existing licensees (California Citizens Association v. United States, 375 F. 2d 43 (9th Cir. 1967), (5) that does not mean that the Commission may use the rule making to negate the provisions of section 316(a) (id., p. 51), e.g., by the adoption of a rule which is (as in the case of the mandatory-divestiture provisions of § 76.501) individual in impact and condemnatory in purpose—(6) The divestiture provision modifies the existing license of certain television stations by conditioning the continuance of that license upon their divestiture of co-located cross-owned cable systems—(7) The individual-impact character of this is heightened by the fact that only 400,000 homes, fewer than 0.07 percent of all TV homes, are served by cable systems within the predicted grade B contours of co-owned TV stations.

23. The divestiture requirement is contrary to Commission precedent, argue Columbus, Fetzer, McClatchy, Newhouse,

* Licensee of ETV Station WVUT, Vincennes, Ind., and operator of cable systems at Vincennes and Washington, Ind., and Bridgeport and Lawrenceville, Ill.

and Stauffer; and (Fetzer adds) it is particularly harsh treatment of broadcasters who had been led to expect otherwise, acted in reasonable reliance thereon, and are now threatened as a result with great financial loss.

24. NAB urges the Commission to "grandfather" local cross-ownerships in being prior to the adoption of § 76.501 on the ground that the economic losses and uncertainties resulting from the divestiture requirement are of a far higher magnitude than damage caused by a prospective application of the rule. Several of the petitioners (CCCC, Carter, Columbus, Gill, Newhouse, and Post) cite the impact of the divestiture requirement on their own business operations as examples of the injury broadcasters with local cable interests. They refer to the long leadtime between capital investment and fully profitable operation, and the unlikelihood of recovering their investments in disposing of cable systems which have not matured to the point of fully demonstrating their potential profitability. They express little confidence in the Commission's hope that broadcasters will be able to negotiate exchanges of cable systems with broadcasters in other areas.

25. Petitioners contending that the evidence in the record is insufficient to warrant mandatory divestiture of cross-relationships between co-located cable systems and television systems state essentially the following: (1) The record includes no evidence of abuses of existing such cross-ownerships; nor is there any evidence of anticompetitive effects of existing cross-ownership situations, or of a reduction in the number of opinion-influencing voices available to people in communities served by cable systems within the grade A or B contour of a jointly owned television station. Moreover, cable systems will have "access" channels over which diverse opinions may be expressed without the control of cable operator (Columbus, McClatchy, Midcontinent, Newhouse). (2) The Commission adopted the cross-ownership ban on the basis of its "expertise" and in the light of its new requirement of program origination (id.). However, "expertise" is not an adequate basis for requiring divestiture of investments made in reliance upon previous Commission policies (Midcontinent); and the Commission's hope that it may foster program origination by means of the divestiture requirement is purely speculative since (i) most cable systems (whether station-owned or not) do not engage in program origination, and (ii) the program-origination rule provides no standard as to the types and amount of origination required (Fetzer). (3) The lack of record evidence supporting divestiture is all the more glaring when compared with the Commission's approach in adopting rules restricting broadcast-ownership combinations: (i) The broadcast duopoly policy gradually developed case by case. (ii) The chain-broadcast rules were adopted following a 6-year process, including extensive hearings before a five-member special committee (Columbus, McClatchy, Midcontinent, Newhouse). (iii) In

the present proceeding, the Commission did not give affected parties a reasonable opportunity to supply data, unlike broadcast Docket No. 18110, in which the Commission gave parties 6 months additional time for filing of comments (Stauffer).

(4) The Commission made no effort to demonstrate that the alleged problem is not de minimis. It fails to ascertain and show (i) the extent of broadcast-cable cross-ownership, and (ii) the impact of the Second Report within grade B contours of cross-owned stations (it has given no indication whether the new cross-ownership prohibition will affect 10 percent or 90 percent of the cable systems and/or subscribers in the United States). In contrast, in Docket No. 18110, the Commission published an exhaustive abstract, "Newspaper-Broadcast Joint Interests as of November 1, 1969". (Id.) (5) In fact, the available data (see paragraph 13 supra) indicates that the "problem" is, at most, de minimis (id.).

26. But, even assuming the existence of a problem, several petitioners argue, mandatory divestiture is a harsh remedy which is unwarranted where, as here, lesser remedies would do. In *Timken Roller Bearing Co. v. United States*, 341 U.S. 593, 603 (1951), they note, the U.S. Supreme Court ruled that "divestiture . . . is not to be used . . . without regard to the type of violation or whether other effective remedies, less harsh, are available". How, they ask, can the Commission impose mandatory divestiture upon cable operators who are innocent of misconduct in light of the Supreme Court's indication in *Timken* that it would not require divestiture in most cases in which actual wrongdoing was shown? They suggest, as less drastic measures sufficient to serve the Commission's purposes: (1) Application of the broadcast "fairness doctrine" and "political election" rules to cablecasting; (2) mandatory operation of a "common-carrier" cablecast channel; and (3) reliance upon prospective application of the cross-ownership ban, since future sales of stations and systems would gradually eliminate "grandfathered" cross-ownerships. (CCCC, Columbus, Fetzer, McClatchy, Midcontinent, Newhouse, and Stauffer.)

27. Finally, petitioners contend that the divestiture requirement is discriminatorily ill-timed in that (i) the Commission "prematurely" ordered a break-up of the "most insignificant" of the media combinations, cable-broadcast, just after postponing action on other cross-ownership proposals in Docket No. 18110 to permit further study (McClatchy and Midcontinent); and (ii) it is inconsistent and unfair to require the licensee of a TV station in a community to dispose of his interest in a cable system there while permitting the owner of a newspaper and AM and FM stations in that community to acquire a cable system there (Gill). Gill also argues that this nonsimultaneity of Commission action on the various cable cross-ownership questions unreasonably compels an entrepreneur with cable, TV, and AM and FM radio interests in the same area to

gamble in deciding whether to divest himself of his TV station or the cable system—in that subsequent Commission rule making decisions may force him to divest himself of more of these interests than he would have had to if he could have anticipated those later decisions.

28.—*Modification of the divestiture requirement*: CCCC notes that the Commission has mentioned the possibility of divestiture-requirement waivers, but has not generally articulated its criteria for grant of such waivers; and it urges the Commission to reduce the time and expense involved in the waiver process by public announcement of specified waiver criteria. Gill urges a stay of the divestiture requirement in view of the little time remaining of the originally specified 3-year divestiture period, and the Commission's inaction to date on petitions for reconsideration. Without such a stay, Gill argues, "a cross-owner must soon determine which of his properties he will divest, and diligently seek a buyer, notwithstanding his lack of firm knowledge as to whether divestiture will be required after the Commission's reconsideration." If a specified divestiture period is deemed necessary, Gill says, it should be of 5 years' duration beginning when the Commission has resolved all of the communications media cross-ownership questions—5 years duration to avoid needless injury to present owners and to be consistent with Commission decisions in other, comparable situations, and the delayed starting time for reasons indicated in paragraph 27 supra. In addition, Gill urges that a cable operator be allowed to complete development of his cable facility pursuant to his pre-July 1970 plan even if that involves franchises acquired after July 1, 1970, because failure to do so will prevent numerous communities islanded within a cable facility's general service area from obtaining cable service for some time and will needlessly depress the resale value of the cable system, and because, "So long as it is understood that expanded portions of the system are to be divested along with the rest, there is no reason why the operator should not be permitted to . . . construct and operate newly franchised segments of his system until such time as the whole system is sold."

29. *Cross-interest*: The Commission is requested by CTI, King, and Post to permit television station licensees to have a minority interest in colocated cable systems, on the grounds that prohibition of such cross-relationships is unprecedented and unnecessary to achieve the Commission's purposes (Post, King), that it denies a source of revenue that financially marginal stations may need in order to continue their broadcast service (CTI), and that it deprives cable systems of investment funds from television licensees who may wish to assist a cable capable of increasing their station's audience. If the Commission's aim is arm's-length competition, King asks, would it

* With particular reference to financially marginal UHF stations.

not suffice to limit the "any interest" ban to the primary area and omit the secondary area?

30. Replacement or modification of the "predicted Grade B contour" measure of colocation is urged by BPI, Carter, CTI, King, Liberty, McClatchy, and Midcontinent. In King's view, the Grade B contour marks off a forbidden area which is much too large, and thus may deprive "outlying communities" within that contour of needed cable service even though in such places the cable system and the central-city TV station are not rival outlets.⁷ King recommends the substitution of either a smaller, fixed-mileage area (e.g., the 35-mile zone recommended by McClatchy and Midcontinent) or, where pertinent, the U.S. Census Bureau-determined Standard Metropolitan Statistical Area (SMSA) in which the station operates. King argues that a cable system within a small outlying community is not a local rival to a central-city station because the station cannot be a "local outlet" there whereas the system will find it advantageous to focus, in its cablecasting, on the needs and interests of its own community. Moreover, King notes that, in communities more than 35 miles from the center of the station's market, distant-signal importation (a form of competition far more formidable than cablecasting) would not seriously affect even marginal UHF and small-market stations. Midcontinent contends that outlying communities within a cross-owned station's grade B contour are unlikely to be particularly influenced by that station's current affairs programming because such communities (i) typically receive many "overlapping stations," and (ii) in any event are small-townish in outlook, unlike the orientation of a big-city TV station.

31. King further contends that advertising solicitation by cablecasters would not cause any problems for the central-city station, since local firms in TV stations' secondary zones can't afford TV broadcast advertising, although they can be a good advertising source for cablecasters. Also, King argues, ownership of cable systems within its service areas does not give a TV station a competitive advantage over other TV stations in the same market since (1) systems are required by Commission rules to carry the signals of all same-market stations and to give them equal rights with respect to channel position, program nonduplication, etc.; and (2) the Commission's control over TV licensees who operate cable systems is more effective than its control over nonbroadcaster operators of cable systems.

32. Midcontinent and McClatchy challenge the Commission's assertion, in the Second Report, that use of the predicted grade B contour as the colocation bound-

ary line contributes to administrative certainty, by citation of the Commission's statements, in paragraph 48 of the notice * * * in Docket No. 18397, that (i) the predicted grade B contour varies from station to station and may extend as far as 60 miles from the station's transmitter and (ii) a fixed-mileage standard would be administratively convenient and would provide certainty to those affected since air-mile distance from a specified point could be readily calculated without reference to contour maps in the Commission's offices or the necessity of an evidentiary hearing to resolve disputes.

33. King⁸ contends that a standard resulting in a smaller colocation area than that marked off by the predicted grade B contour would be consistent with recent Commission actions in other proceedings. King notes that in the broadcast one-to-a-market proceedings, the Commission adopted as its area-delineation standard not the grade B but the grade A contour. Moreover, King continues, in that proceeding the Commission noted that UHF stations and many FM stations still needed association with other local media to facilitate their growth, and thus built cross-ownership exceptions into the rule regarding such facilities in overlap situations. Particularly in secondary areas, King contends, cable is in an even less advanced state than UHF and FM, and should receive similar treatment. King also states that the Commission recently adopted a specific-waiver provision permitting telephone common carriers to provide cable television service to communities that would not otherwise obtain it. It argues that a broadcaster also has a special motivation to provide cable service to remote communities, can do so more economically than other potential owners, and can cablecast programming at less cost than a telephone company can (and is therefore more likely to).⁹

34. CTI suggests¹⁰ that the cross-ownership limitation, if deemed necessary, be limited to those counties in which a station has a net weekly circulation of at least 70 percent (i.e., those areas in which "the broadcaster may at least arguably be in a position to influence opinion to a significant degree"). BPI, citing its own situation, considers it unreasonable to bar television station ownership of a cable system in a county in which Commission-endorsed data indicates that the station is not "significantly viewed". Liberty suggests three other alternatives which, alone or together, would in its opinion strike a balance

between the goals of (i) insuring substantial program diversity, and (ii) fostering development of cable (as an essentially passive reception facility) in sparsely settled areas. Specifically, Liberty recommends (1) limitation of the station-system cross-ownership with systems which have more than 2,500 subscribers within the station's community of license, SMSA, or Area of Dominant Influence (ADI), and (ii) providing that the total number of subscribers to systems which are cross-owned with a TV station and within its grade B contour shall not exceed 15 percent of that station's NWC, or (3) exemption of systems with fewer than 2,500 subscribers from the cross-ownership ban.¹¹ On behalf of these three proposals, Liberty states: Re (1), that the top 100 markets contain the vast majority of TV homes, are the source of most TV revenue, and hold the real promise for program origination by cable systems; that below-top-100 markets offer little opportunity for large systems with potential for significant program origination, but do need cable systems to fill over-the-air signal reception gaps; and that ultimately, cross-ownership of TV stations and cable systems in small markets may be necessary to maintain the viability of local over-the-air TV broadcast facilities there; re (2), that the proposed 15 percent limitation would prevent a broadcaster from obtaining a subscriber base sufficient to raise a question of undue concentration of control; and, re (3), that TV station cross-ownership with co-located systems with fewer than 2,500 subscribers (i) pose no problems with respect to programming diversity since such systems normally cannot engage in program origination anyway, and (ii) pose no threat of undue concentration of control.

35. Preemption: BPI urges that, if the TV station-cable system local cross-ownership prohibition is rescinded or substantially modified, the Commission preclude State and local authorities from imposing more restrictive cross-ownership limitations than ours.

DISCUSSION OF PLEADINGS

36. As indicated in the foregoing paragraphs, the respondents favoring rescission of the cross-ownership et al. provisions in § 76.501—either totally or

¹¹ In a recently tendered supplementary pleading, Liberty substituted the following alternatives: (1) Restrict the general ban on cross-ownership of collocated TV stations and cable systems to the top 100 markets; in smaller markets, limit the ban to systems with 10,000 or more subscribers (in order not to discourage at least limited cable origination); or (2) (i) prohibit TV station-cable system cross-ownership within the community of license; (ii) authorize cross-ownership of smaller systems (i.e., with fewer than 10,000 subscribers) outside of the community of license; but (iii) provide that in no event shall the total number of subscribers of the cross-owned systems within the station's predicted grade B contour exceed 25 percent of the net weekly circulation of the cross-owned TV station; or (3) exempt systems with fewer than 7,500 subscribers from the cross-ownership ban.

⁷ Citing 22 FCC 2d 306, 312 (paragraph 22), and 318-19 (paragraphs 45, 47, and 48) (1970).

⁸ King contends that this telephone company-cable system cross-ownership exception relies on waiver rather than a general rule for reasons that do not apply in the context of section 76.501; i.e., (i) the difficulty of establishing a rational border-delineation standard, and (ii) charges of competitive abuse.

⁹ With particular reference to UHF television stations.

⁷ King concedes that there may be outlying communities, in the station's secondary area, which are large enough to support cable systems truly competitive with a cross-owned central-city TV station, but suggests that special rules could be devised to deal with such situations.

insofar as they apply in particular to national broadcast television networks, or to colocated television stations (all, or commercial UHF, or noncommercial educational)—argue variously that: the record relied upon by the Commission was insufficient; additional facts submitted by the respondents negate the Commission's conclusions; the Commission lacks statutory authority to impose such restrictions; inadequate notice of proposed rule making was given to network cross-owners; adoption of the rule reverses the Commission's previous position expressed in Docket No. 15415; and (6) developments subsequent to the adoption of § 76.501 have washed away its foundations.

37. The question of notice of proposed rule making regarding cross-ownership of cable systems with networks diminishes against the circumstances that: (i) In view of the introduction of the question of notice, we have reviewed ABC's and NBC's substantive arguments regarding network-cable cross-ownership, contained in their petitions for reconsideration, in the same manner, according them the same weight, as if their submissions had been received before the second report was issued; and that (ii) with respect to the relation of this procedural question to the divestiture provisions applicable to networks, the three-year divestiture grace period specified in the second report does not expire until this coming August, and we have in any event (in view of the considerable passage of time between the issuance of the second report and this memorandum opinion and order) decided to extend the grace period even further in order to avoid hardship to existing cross-owners.

38. Although we have given thoughtful consideration to the petitioners' other contentions, we remain persuaded that the provisions of § 76.501 prohibiting ownership, operation, control, or interest of a cable television system with a national broadcast television network or a colocated television broadcast or translator station, and requiring divestiture of such prohibited cross-relationships by a date certain, are in the public interest and should continue in force.

39. Our adoption of these provisions—designed to foster diversification of control of the channels of mass communication—was guided by two principal goals, both of which have long been established as basic legislative policies. One of these goals is increased competition in the economic marketplace; the other is increased competition in the marketplace of ideas.

40. We did not choose to wait until cable reached maturity before acting to achieve these goals. Having grappled over the years with the problems of cross-media control of radio and television stations, by national broadcast networks, and by newspapers and other broadcast stations in the same communities and market areas, we had become increasingly persuaded, first, that cross-media control is generally undesirable (although temporary exceptions are

sometimes warranted); second, that the evidence of previously developed electronic mass media indicated that, in the absence of regulatory prohibition, considerable cross-media control of cable television could be expected, and that tendencies in that direction had already begun; and, third, that cross-media control of cable would become increasingly difficult to halt and reverse as cable grew if its growth were not accompanied by early imposed regulations designed to foster diversification of control.

41. Some of the data leading to the second conclusion were summarized in paragraphs 9 and 10 of the second report. That was not intended to demonstrate that abuses of cable system ownership were taking place to any significant degree, or that broadcasters' control of cable facilities had already advanced to major proportions. What it did demonstrate was that the major broadcast television networks were already such dominant influences in the television field that any further expansion of their ownership or control into the new and growing cable television industry was *per se* undesirable, and that such network involvement in cable should be stopped and turned around before it became entrenched; and that about 30 percent of the cable systems in existence in December 1968, were broadcaster-controlled.¹³ Newhouse in its petition for reconsideration indicates that, as of the date of issuance of the second report, approximately 400,000 cable subscribers—close to 10 percent of the total number of cable subscribers at that time—were served by systems within the predicted grade B contours of television stations under common ownership with those systems.

42. CTI characterizes our adoption of cable cross-ownership rules as a "mechanical transfer" of broadcast concepts to cable notwithstanding "fundamental technical and competitive distinctions between * * * [them]." Whatever distinctions may exist between TV stations and cable systems, it is nonetheless true that actions taken by cable system operators—to carry or not carry certain distant stations, to offer program origination or not, to move speedily or at the slowest pace permitted to develop access channel facilities and encourage their use—all can affect the audiences and earnings of colocated television stations. In the light of this fact, we remain persuaded that cable systems are more likely to grow, in size and service to their subscribers, if they are not under common control with colocated television stations. We have not been shown that cable growth will be significantly retarded by the unavailability, under our rules, of financial investment by colocated stations.

43. We do not agree with the contention that new developments have washed

¹³ By Mar. 30, 1972, according to Television Factbook (1972-73 ed., p. 75-a), broadcasters held ownership interests in some 37.9 percent of the 2,839 cable system operations.

away the case for cable-broadcast cross-ownership restrictions. Our adoption of the Cable Television Report and Order was designed to encourage the growth of cable; to the extent that our efforts in that regard are successful, the time available to us for early preventative action with respect to cross-control of cable and other media is foreshortened. The assurance we are offered that cable will ultimately become essentially a "common carrier" of mass communications may or may not be correct, but in either event fails to come to grip with the short run, during which origination cablecasting can be expected to play a significant role in attracting, and affecting, cable subscribers.

44. Our reasons for not exempting UHF television stations from the general applicability of § 76.501 are well summarized in paragraph 16 *supra*, and do not require repetition here. Our reasons for not exempting educational television stations are essentially the same as those previously indicated by us in footnote 1 of the Notice of Proposed Rule Making and of Inquiry in Docket No. 18891 (35 FR 11042 July 9, 1970), released concurrently with the second report; the arguments in favor of exemption set forth in paragraph 17 *supra* do not extend significantly beyond those of which we were aware at the time of issuance of the second report, and the Notice * * * in Docket No. 18891; and in certain particulars—notably NAEB's assertion that ETV cross-owners could coordinate the programming activities of the ETV station and the cable system so that imported signals would not have an adverse effect on the ETV station's offerings—are uncomfortable reminders of some of the disadvantages of cable cross-ownership with local commercial television.

45. The question of our jurisdiction to adopt rules concerning diversification of ownership of cable television systems is adequately treated in paragraph 17 of the second report, and requires no further elaboration at this juncture.

46. In the preceding paragraphs, we have (in response to a number of petitions for reconsideration in this matter) set forth our basic present position with respect to the cable cross-ownership provisions in section 76.501 of our rules.

47. Having done so, we must also express our recognition that a requirement of mandatory divestiture of existing such cross-ownerships is more severe in its impact on affected broadcasters—and hence requires greater justification—than a rule prohibiting only the subsequent creation of such cross-relationships. We are well aware of the Supreme Court's admonition, in *Timken Roller Bearing Co. v. U.S.*, 341 U.S. 593, 603 (1951), that "divestiture * * * is not to be used * * * where other effective remedies, less harsh, are available."

48. Moreover, it must be conceded that in at least one respect, the need for a prohibition against cross ownership *et al.* of colocated stations and systems—and for mandatory divestiture—has abated somewhat as a result of the Commission's

recent adoption of § 76.251 of the rules (in the Cable Television Report and Order in Docket No. 18397, 36 FCC 2d 143, released Feb. 3, 1972). That section provides that all cable television systems operating in major market areas—where approximately 70 percent of the American people reside—must, by March 31, 1977, maintain public-access, education-access, and local-government-access nonbroadcast channels, and promptly expand their facilities as needed to meet demand for leased-access nonbroadcast channels; and that "Each such system shall exercise no control over program content on any of these channels * * *". Although this recent development is not sufficient to alter our basic view regarding the provisions of § 76.501, it does suggest that there may be several more station-system local-cross-ownership situations than we had previously anticipated in which the balance of relevant considerations now weighs in favor of a waiver of the mandatory-divestiture requirement.

49. In paragraph 13 of the Second Report and Order in Docket No. 18397 (issued in July 1970), we stated that "we would consider waivers on an ad hoc basis where it is clearly established that a cross-ownership ban would not result in greater diversity, and in footnote 6 we added that "There may, for example, be some sparsely inhabited area where no one is willing to apply for an available broadcast channel except a local CATV operator interested in providing CATV-originated programming to a wider area."

50. It now appears to us that those statements may have actually had the effect of inhibiting, rather than encouraging, the submission of justifiable requests for waiver of the divestiture requirement: there may well be a number of other grounds and circumstances which, if properly argued and substantiated by petitioners, would result in the grant of specific waivers.

51. Accordingly, we invite the filing—within 120 days after the issuance of this memorandum opinion and order—of petitions for waiver of the mandatory-divestiture requirement (fully supported by pertinent facts, views, arguments, and data) from all cross owners et al. of colocated television stations and cable systems who believe that grandfathering would be appropriate in their case. Upon the receipt of a number of such petitions, they will be carefully reviewed by the Commission to enable us to pick out, on a rational and consistent basis, those situations in which the issuance of a waiver (or other appropriate relief) would both serve the underlying objectives of § 76.501 and avoid unnecessary hardship. Where such a waiver is granted, the petitioner's interests in the affected station and cable television facility may not subsequently be transferred to a new joint holder without prior approval of the Commission, upon a showing by the petitioner that such transfer(s) would serve the public interest.

52. It would be premature for the Commission at this time to specify the grounds for waiver which it will find acceptable, or to list the evidence necessary to support such grounds. We will certainly be interested in such aspects as (1) the extent (if any) of financial loss the cross-owner would suffer as a result of mandatory divestiture; (2) the impact of the station-system cross-relationship upon economic competition and diversity of control of media of expression in the service areas of the stations and systems in question; and (3) the quality of service which the system has been providing (in terms of broadcast signal carriage, cablecast programming by the system and others, system technical quality and reliability, etc.), and the extent to which it has been enhanced, or impaired, by the cross-relationship. But this itemization is intended only to be suggestive, and the Commission does not at all assume that it exhausts the possibilities.

53. We recognize, of course, that this process will further extend the period of uncertainty which has existed during the 2-year pendency of the petitions for reconsideration of the Second Report and Order in Docket No. 18397, and accordingly we have also decided to generally extend the grace period for divestiture of prohibited cross ownerships et al. until August 10, 1975.

Accordingly, it is ordered, that the petitions for reconsideration filed in response to the Second Report and Order in Docket No. 18397 are denied in all respects except that indicated below.

In view of the foregoing, and pursuant to authority contained in sections 4(i), 5, and 303(r) of the Communications Act of 1934, as amended, it is further ordered, That effective March 2, 1973, § 76.501(b) of the Commission's rules is amended to substitute "August 10, 1975", for "August 10, 1973."

It is further ordered, That the proceeding in Docket No. 18397 is terminated.

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

Adopted: January 17, 1973.

Released: January 31, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,¹⁴

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1863 Filed 1-30-73; 8:45 am]

¹⁴ Commissioner Robert E. Lee, dissenting, issued a statement filed as part of the original document; Commissioner Hooks, dissenting, issued a statement to be distributed at a later date. Commissioners Reid and Wiley concurred and issued statements, filed as part of the original document.

Title 49—Transportation CHAPTER 1—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 195-5; Docket No. OPS-22]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Change of Authority Regarding Safety of Liquid Pipelines

The purpose of these amendments to Part 195 of Title 49 of the Code of Federal Regulations is to reflect changes resulting from Public Law 92-401 which on August 23, 1972, amended section 6(f) (3) (A) of the Department of Transportation Act (49 U.S.C. 1655(f) (3) (A)), in effect, to delete the authority of the Federal Railroad Administrator to carry out the liquid pipeline safety functions under 18 U.S.C. 831-835 and to place it with the Secretary of Transportation.

The Secretary of Transportation on November 7, 1972, delegated the authority with respect to safety of liquid pipelines to the Assistant Secretary for Safety and Consumer Affairs (37 FR 24674, Nov. 18, 1972) and on November 7, 1972, the Assistant Secretary redelegated that authority to the Director, Office of Pipeline Safety (37 FR 24901, Nov. 23, 1972). With the redelegation to the Director, Office of Pipeline Safety, the authority to regulate the safety of liquid pipelines is now vested in the same office that has the authority for the safety of gas pipelines. These amendments, accordingly, revise Part 195 to make it consistent with the change in authority.

In substance, this rulemaking action deletes all references to the Administrator, Federal Railroad Administration and adds the definition and necessary references to the Secretary of Transportation. In addition, changes to Subpart B of Part 195, to the extent possible, provide for the administrative handling of accident reports by the Director, Office of Pipeline Safety.

Since these amendments are based on a change in law and reflect changes in departmental organization and delegation of powers and duties made in response thereto which have already become effective, notice and public procedure thereon are impractical and unnecessary and good cause exists for making them effective on less than 30 days notice.

In consideration of the foregoing, Part 195 of Title 49 of the Code of Federal Regulations is amended, effective immediately, as follows:

1. Section 195.2 is amended by deleting the term "Administrator" and the associated definition in its entirety.

2. Section 195.2 is amended by adding the following definition immediately after the definition for "Pipeline system" or "pipeline":

§ 195.2 Definitions.

"Secretary" means the Secretary of Transportation or any person to whom he has delegated authority in the matter concerned.

§ 195.3 [Amended]

3. Section 195.3(b) is amended by deleting the words "Docket Room, Room 304, 400 Sixth Street SW." and substituting the words "Office of Pipeline Safety" in place thereof.

§§ 195.6, 195.8, 195.52, 195.260 [Amended]

4. The following sections are amended by deleting the word "Administrator" where appearing and substituting the word "Secretary" in place thereof:

Section 195.6 (as changed by Amdt. 195-1)

Section 195.8 (as changed by Amdts. 195-1 and 195-2)

Section 195.52

Section 195.260(e)

§ 195.54 [Amended]

5. Section 195.54 is amended by deleting the words "Administrator, Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

§ 195.58 [Amended]

6. Section 195.58 is amended by deleting the word "Administrator" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

§ 195.62 [Amended]

7. Section 195.62 is amended by deleting the words "Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

(Sec. 6(e)(4), Department of Transportation Act, 49 U.S.C. 1655(e)(4), secs. 831-835, title 18, United States Code; § 1.58(d), regulations of the Office of the Secretary of Transportation, 49 CFR 1.58(d); redelegation of authority to Director, Office of Pipeline Safety, in Appendix A to Part 1 of regulations of Office of Secretary of Transportation (49 CFR Part 1))

Issued in Washington, D.C., on January 24, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc. 73-1808 Filed 1-30-73; 8:45 am]

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

[Docket No. 72-31; Notice 2]

PART 580—ODOMETER DISCLOSURE REQUIREMENTS

The purpose of this notice is to establish a regulation that will require a person who transfers ownership in a motor vehicle to give his buyer a written disclosure of the mileage the vehicle has traveled. The regulation carries out the directive of section 408(a) of the Motor

Vehicle Information and Cost Savings Act, Public Law 92-513, 86 Stat. 947, and completes the provisions of the Act under Title IV, Odometer Requirements.

The regulation was first proposed in a notice published in the FEDERAL REGISTER on December 2, 1972 (37 FR 25727). As a result of numerous comments on the proposal, the regulation as issued today differs in some respects from its initial form.

As stated in the proposal, the agency's goals were to link the disclosure statement as closely as possible to the documents required for transfer of ownership, so that buyers and sellers would know of the need for disclosure, and to do so in a manner that would not introduce an additional document into motor vehicle transactions. The agency therefore proposed the use of the certificate of title as the document for odometer disclosure.

Upon review of the comments, it became evident that in most jurisdictions it would not be feasible to use the title certificate to convey odometer information. The main drawback to its use lies in the prevalence of State laws providing that if a vehicle is subject to a lien, the title is held by the lienholder. As a result, it appears that in a majority of cases private parties selling motor vehicles do not have possession of a certificate of title, and convey their interest by other means.

In those States that permit the owner of a vehicle subject to a lien to retain the title, the lienholder will be unable to make the odometer disclosure on the title if he attempts to sell the vehicle after repossession. In many States, furthermore, the title certificate is not large enough to contain an adequate odometer disclosure, and the existing data processing and filing equipment would not accommodate an enlarged certificate.

There appears to have been some apprehension that the Federal Government intended to compel the States to amend their certificates of title. The Act does not, however, confer any authority over the States in this regard. Even if the regulation were to require transferor disclosure on the title, the States could decline to provide a form for disclosure on the title. This voluntary aspect of the States' participation is a further impediment to the use of the title certificate.

After review of the problems created by the use of the certificate of title, the agency has decided that the purposes of the Act are better served by prescribing a separate form as the disclosure document in most cases. Section 580.4 has been amended accordingly. To avoid the need for duplicate State and Federal disclosures in States having odometer disclosure laws or regulations, the section permits the State form to be used in satisfaction of the Federal requirement, so long as it contains equivalent information and refers to the existence of a Federal remedy.

It should be noted that although the certificate of title is no longer required

to be used for disclosure, it can still be used as the disclosure document if it contains the required information and if it is held by the transferor and given by him to the transferee. The basic concept is that the disclosure must be made as part of the transfer, and not at some later time.

In addition to the changes from the proposal represented by the change from the certificate of title to a separate form, there are other differences from the proposal in the regulation. For purposes of convenience, the following discussion treats the amended sections in sequence.

In § 580.3, the proposed definition of transferor might in some jurisdictions include a person who creates a security interest in a vehicle. This type of transaction was not intended to be regulated, and the definitions have been amended accordingly.

In § 580.4, in addition to the changes discussed above, other modifications have been made. In response to a comment suggesting that the disclosure would be made after the purchaser had become committed to buying the vehicle, the order of § 580.4(a) has been rearranged to specify that the odometer disclosure is to be made before the other transfer documents are executed.

The items listed under § 580.4(a) have been increased to allow for additional identification of the vehicle and owner that would be necessary on a separate disclosure document. If the disclosure is a part of another document, however, § 580.4(a)(1) provides that items (2) through (4) need not be repeated if found elsewhere in the document. A number of comments noted that the items under (a) might often be redundant.

A new paragraph (b) has been inserted in § 580.4 to require a reference to the sanctions provided by the Act. No specific form is required, but the inclusion of such a statement is considered essential to notify the transferee of the reason why he is being given the odometer information.

The former paragraph (b) of § 580.4 has been renumbered as (c), and the alternative methods for odometer disclosure discussed above are found as paragraphs (d) and (e).

A new section, § 580.5, has been added in response to a number of comments that objected to the application of the requirements to categories of vehicles for which the odometer is not used as a guide to value. Buses and large trucks, for example, are routinely driven hundreds of thousands of miles, and their maintenance records have traditionally been relied on by buyers as the principal guide to their condition. The NHTSA is in agreement with the position taken by Freightliner, White, and the National Association of Motor Bus Operators, and has therefore created an exemption for larger vehicles. The exemption applies to vehicles having gross vehicle weight ratings of more than 16,000 pounds.

A second category of exempt vehicles has been created for antique vehicles, whose value is a function of their age.

condition, and scarcity, and for which the odometer mileage is irrelevant. A third exempt category consists of vehicles that are not self-propelled, such as trailers, most of which are not equipped with odometers.

Several vehicle manufacturers stated that the proposal would require them to give disclosure statements to their distributors and dealers, and that such a requirement would be both burdensome and pointless. Upon consideration of the nature of manufacturer-dealer transactions, it has been decided to exempt transfers of new vehicles that occur prior to the first sale of the vehicle for purposes other than resale.

The odometer disclosure form set forth in § 580.6 has been reworded to make it clearer. Space for additional information about the vehicle and owner has been included so that the vehicle will be readily identifiable if the disclosure statement becomes separated from the other transfer documents. In accordance with the instructions of the Act, the transferor is directed to state that the mileage is unknown if he knows that the actual mileage differs from the mileage shown on the odometer. Although several comments suggested that the true mileage, if known, should be stated, such a statement is not provided for in the Act and would not afford the buyer with reliable information about the vehicle.

The effective date proposed in the notice was to have been 6 months after issuance. Two States, perhaps under the impression that they were required to change their forms, requested an additional 6 months. Other comments, notably that of the National Automobile Dealers Association, urged an immediate effective date in order to make the disclosure requirements coincide with the effectiveness of the other parts of Title IV of the Act. Upon consideration of the important contribution the disclosure requirements make to the effectiveness of the Act's other provisions, it has been decided that an effective date earlier than 6 months after issuance is advisable.

Accordingly, the regulation is to become effective March 1, 1973. Although it is likely that most private persons will remain unaware of the disclosure requirements for some time after March 1, 1973, a person who does not know of the requirement will not have "intent to defraud" under section 409(a) of the Act and will therefore not be subject to liability solely because he has failed to make the required statement. The persons most immediately affected by the disclosure requirements are commercial enterprises such as dealers and wholesalers, and of these the largest group, represented by NADA, has already indicated its desire for an early effective date. The earlier effective date is therefore considered appropriate.

In consideration of the foregoing, a new Part 580, Odometer Disclosure Requirements, is added to Title 49, Code of Federal Regulations, to read as set forth below.

Issued on January 23, 1973.

DOUGLAS W. TOMS,
Administrator.

- Sec.
580.1 Scope.
580.2 Purpose.
580.3 Definitions.
580.4 Disclosure of odometer information.
580.5 Exemptions.
580.6 Disclosure form.

AUTHORITY: Sec. 408(a), Motor Vehicle Information and Cost Savings Act, Public Law 92-513, 86 Stat. 947, 49 CFR 1.51.

§ 580.1 Scope.

This part prescribes rules requiring the transferor of a motor vehicle to make written disclosure to the transferee concerning the odometer mileage and its accuracy, as directed by section 408(a) of the Motor Vehicle Information and Cost Savings Act, Public Law 92-513.

§ 580.2 Purpose.

The purpose of this part is to provide each purchaser of a motor vehicle with odometer information to assist him in determining the vehicle's condition and value.

§ 580.3 Definitions.

All terms defined in sections 2 and 402 of the Act are used in their statutory meaning. Other terms used in this part are defined as follows:

"Transferor" means any person who transfers his ownership in a motor vehicle by sale, gift, or any means other than by creation of a security interest.

"Transferee" means any person to whom the ownership in a motor vehicle is transferred by purchase, gift, or any means other than by creation of a security interest.

§ 580.4 Disclosure of odometer information.

Except as provided in § 580.5—

(a) Before executing any transfer of ownership document, each transferor of a motor vehicle shall furnish to the transferee a written statement signed by the transferor, containing the following information:

- (1) The odometer reading at the time of transfer; and, unless provided elsewhere on a transfer document integral with the odometer disclosure;
- (2) The date of the transfer;
- (3) The transferor's name and current address; and
- (4) The identity of the vehicle, including its make, model, and body type, its vehicle identification number, and its last plate number.

(b) In addition to the information provided under paragraph (a) of this section, the statement shall refer to the

Motor Vehicle Information and Cost Savings Act and shall state that incorrect information may result in civil liability under it.

(c) In addition to the information provided under paragraph (a) of this section, if the transferor knows that the odometer reading differs from the number of miles the vehicle has actually traveled, and that the difference is greater than that caused by odometer calibration error, he shall include a statement that the actual mileage is unknown.

(d) If a document provided under the laws or regulations of the State in which the transfer occurs contains the statements required by paragraphs (a), (b), and (c) of this section, the transferor may make the disclosure required by this section either by executing the State document or by executing the disclosure form specified in § 580.6.

(e) If there is no State document as described in paragraph (d) of this section, the transferor shall make the disclosure required by this section by executing the disclosure form specified in § 580.6.

§ 580.5 Exemptions.

Notwithstanding the requirements of § 580.4—

(a) A transferor of any of the following motor vehicles need not disclose the vehicle's odometer mileage:

(1) A vehicle having a gross vehicle weight rating, as defined in § 570.3 of this chapter, of more than 16,000 pounds;

(2) A vehicle that is not self-propelled; or

(3) A vehicle that is 25 years old or older.

(b) A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage.

§ 580.6 Disclosure form.

ODOMETER MILEAGE STATEMENT

(Federal regulations require you to state the odometer mileage upon transfer of ownership. An inaccurate statement may make you liable for damages to your transferee, pursuant to section 409(a) of the Motor Vehicle Information and Cost Savings Act of 1972, Public Law 92-513.)

I, _____, state that the odometer mileage indicated on the vehicle described below is _____ miles.

(Check the following statement, if applicable:)

☐ I further state that the actual mileage differs from the odometer reading for reasons other than odometer calibration error and that the actual mileage is unknown.

Make	Body Type	Year	Model
Vehicle Identification Number		Last Plate Number	

Transferor's address _____
Transferor's signature _____
Date of this statement _____

[FR Doc. 73-1675 Filed 1-24-73; 11:10 am]

[Docket No. 69-20; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**Accelerator Control Systems**

The purpose of this notice is to respond to petitions for rulemaking to amend and petitions for reconsideration of Motor Vehicle Safety Standard No. 124 (49 CFR 571.124).

On September 23, 1972 (37 FR 20033), Motor Vehicle Safety Standard No. 124 was published specifying time requirements for the return of a vehicle's throttle to the idle position. Pursuant to 49 CFR 553.35, petitions for reconsideration were filed by Japan Automobile Manufacturers Association, Inc. (JAMA) and Volkswagen of America, Inc. Additionally, pursuant to 49 CFR 553.31, a petition for rulemaking to amend the standard was filed by the Ford Motor Co.

Favorable consideration has been granted to some of the requests and accordingly, the standard is being amended in some minor respects. The Administrator has declined to grant requested relief from other requirements of the standard.

Volkswagen requested that the test requirements for cold temperatures be clarified, in order to determine whether it is possible to use supplementary starting devices and to "pump" the accelerator control pedal during and after the presoak and prior to the test. The advantages of using supplementary devices and warmup procedures are recognized, but in many instances, the driving public either does not adhere to the manufacturer's recommended warmup procedures or uses other procedures. The intent of the standard is to afford the driving public as broad a coverage of the rule as is possible, by simulating as closely as possible actual conditions. Accordingly, for purposes of testing compliance the engine may be started by the use of any supplementary starting devices and procedures except those which would induce the vehicle into motion by the application of an external force.

Volkswagen also asked the NHTSA to define the speed at which the accelerator pedal is "to be released" to mark the beginning of the test determining the return of the throttle to idle position. The agency's intent is to provide protection in the variety of situations that may be encountered on the road. The vehicle, therefore, must be capable of meeting the requirements no matter how rapidly or slowly the driver's foot is lifted from the pedal. The actuating force actually is not "removed" from the pedal until the foot is no longer in contact with it, so the measured time period for throttle return does not begin until the instant when the foot leaves the pedal.

Further, Volkswagen asked the NHTSA to define a "running engine." Volkswagen stated that during cold testing an engine could start, run for approximately 6 seconds, and then stall. Volks-

wagen theorized that it would be possible to have an accelerator system fail the test requirements during this 6-second interval, although the engine would be incapable of causing a safety problem. The phrase "engine running" defines a condition without which throttle return to idle position has no significance. The intent of the standard is to prevent any safety problems caused by faulty throttle return over a broad range of operating circumstances and temperature conditions. The condition of a running engine, regardless of torque produced, is a clearly definable point at which a safety problem could begin to occur. Therefore, the vehicle must be capable of meeting the requirements whenever the engine is rotating without the application of any external force.

JAMA requested that the time requirements for maximum return to idle position when tested in temperatures between 0° and -40° F. be applied "only when there is no failure of the source of energy and no disconnection or severance of components." JAMA stated that in order for a system to meet the time requirements of the rule during the cold testing, the "required pedal effort would be increased to an extent that would not be acceptable to the ordinary driver." In its earlier comments to Notice 3 (37 FR 7097), JAMA stated that if each energy source was independently required to return the throttle to idle within the specified time requirements, increased pedal forces would be necessary. In response to this comment and to allow a manufacturer design freedom, the standard was amended by Notice 5 (37 FR 20033), to specify that independent capability of energy sources to return the throttle to idle position was not required. The amendment also gave an additional time allowance for return to idle position for vehicles tested or conditioned in cold temperatures. Based on these factors and on the comments received from other manufacturers, this agency's position is that the standard provides enough latitude for a manufacturer to feasibly meet the pedal force requirements and the time requirements for return to idle, even if there is a failure of one source of energy or a severance or disconnection occurs. The petition is therefore denied.

Ford pointed out that under the requirements section, S5.1 states that, "There shall be at least two sources of energy" and that this seemed at variance with the intent expressed in the preamble to Notice 5 that energy sources do not have to be contained in the accelerator control system. To further clarify the intent expressed in Notice 5, the phrase in S5 "The vehicle shall be equipped with a driver-operated accelerator control system that meets the following requirements" is changed to "The vehicle shall meet the following requirements * * *."

Ford also asked for a clarification of the word "failure" in S5.1. Ford stated that the word was ambiguous in that it would allow for abnormal operating conditions outside the scope of the stand-

ard's intent to assure safety under conditions of a single failure due to a severance or disconnection in the system. To clarify the standard's intent, the phrase in S5.1 which states that, "In the event of failure of one source of energy the remaining source or sources shall be capable of returning the throttle" is changed to "In the event of failure of one source of energy by a single severance or disconnection, the throttle shall return * * *."

Further, in the first sentence of S5.2 the word "becomes" is changed to "is" and the phrase "at a single point" is added to the end of the sentence to clarify this meaning.

In consideration of the foregoing, 49 CFR 571.124, Motor Vehicle Safety Standard No. 124, is revised to read as set forth below.

Effective Date: September 1, 1973.

(Secs. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on January 24, 1973.

DOUGLAS W. TOMS,
Administrator.

§ 571.124 Standard No. 124; accelerator control systems. (Effective Sept. 1, 1973)

S1. Scope. This standard establishes requirements for the return of a vehicle's throttle to the idle position when the driver removes the actuating force from the accelerator control, or in the event of a severance or disconnection in the accelerator control system.

S2. Purpose. The purpose of this standard is to reduce deaths and injuries resulting from engine overspeed caused by malfunctions in the accelerator control system.

S3. Application. This standard applies to passenger cars, multi-purpose passenger vehicles, trucks, and buses.

S4. Definitions.

S4.1 "Driver-operated accelerator control system" means all vehicle components, except the fuel metering device, that regulate engine speed in direct response to movement of the driver-operated control and that return the throttle to the idle position upon release of the actuating force.

"Fuel metering device" means the carburetor, or in the case of certain engines the fuel injector, fuel distributor or fuel injection pump.

"Throttle" means the component of the fuel metering device that connects to the driver-operated accelerator control system and that by input from the driver-operated accelerator control system controls the engine speed.

"Idle position" means the position of the throttle at which it first comes in contact with an engine idle speed control appropriate for existing conditions according to the manufacturers' recommendations. These conditions include, but are not limited to, engine speed adjustments for cold engine, air conditioning, and emission control, and the use of throttle setting devices.

"Ambient temperature" means the surrounding air temperature, at a distance such that it is not significantly affected by heat from the vehicle under test.

S4.2 In the case of vehicles powered by electric motors, the words "throttle" and "idle" refer to the motor speed controller and motor shutdown, respectively.

S5. Requirements. The vehicle shall meet the following requirements when the engine is running under any load condition, and at any ambient temperature between -40° F. and +125° F. after 12 hours of conditioning at any temperature within that range.

S5.1 There shall be at least two sources of energy capable of returning the throttle to the idle position within the time limit specified by S5.3 from any accelerator position or speed whenever the driver removes the opposing actuating force. In the event of failure of one source of energy by a single severance or disconnection, the throttle shall return to the idle position within the time limits specified by S5.3, from any accelerator position or speed whenever the driver removes the opposing actuating force.

S5.2 The throttle shall return to the idle position from any accelerator position or any speed of which the engine is capable whenever any one component of the accelerator control system is disconnected or severed at a single point. The return to idle shall occur within the time limit specified by S5.3, measured either from the time of severance or disconnection or from the first removal of the opposing actuating force by the driver.

S5.3 Except as provided below, maximum time to return to idle position shall be 1 second for vehicles of 10,000 pounds or less GVWR, and 2 seconds for vehicles of more than 10,000 pounds GVWR. Maximum time to return to idle position shall be 3 seconds for any vehicle that is exposed to ambient air at 0° to -40° F. during the test or for any portion of the 12-hour conditioning period.

[FR Doc. 73-1906 Filed 1-30-73; 8:45 am]

[Docket No. 71-13; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids

This notice amends Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluids, 49 CFR 571.116, to establish container labeling requirements for those fluids that are currently unregulated by the standard. The requirements are effective July 1, 1973.

The amendment is based upon a notice published March 22, 1972 (37 FR 5825). The NHTSA proposed labeling requirements for "central hydraulic system oil" and "silicone-based brake fluid," similar to requirements already in existence for conventional hydraulic brake fluids. The packager would be required to place his name on the container. His name could appear in code form. The packager would also be required to provide the complete name and mailing address of the dis-

tributor, a serial number identifying the packaged lot and date of packaging of the fluid, description of the contents, and certain safety warnings.

The comments received generally supported the proposal, and Standard No. 116 is being amended accordingly. The term "central hydraulic system oil" has not been adopted as some central hydraulic systems are designed for use of DOT brake fluids. Instead, the term "hydraulic system mineral oil" is adopted. It is defined as "a mineral-oil-based fluid designed primarily for use in motor vehicle brake systems in which none of the components contacting the fluid are SBR, EPDM, Neoprene, or natural rubber." Paragraphs S3, S5, S5.1, S5.2.1, S5.2.2.1, and S5.2.2.2 are being amended in a manner that more clearly evidences the NHTSA's intent that Standard No. 116 applies to all fluid used as brake fluids, but that silicone-based brake fluids and hydraulic system mineral oil are currently excepted from performance, container, and labeling requirements applicable to DOT fluids. A new S5.2.2.3 specifies the labeling requirements for packagers of silicone-based brake fluids and hydraulic system mineral oil, and these generally parallel those required of packagers of DOT fluids. Packagers of hydraulic system mineral oil must furnish the additional warning that the fluid is not compatible with the rubber components of brake systems designed for use with DOT brake fluids.

The amendment also differs from the proposal in reflecting the revision of Standard No. 116 of August 29, 1972 (37 FR 17474), that allows information to be placed on a container "in any location except on a removable part such as a lid." Minor changes have been made in the text of the warning on fluid storage so that it is identical with the warning required for DOT fluids.

In consideration of the foregoing, 49 CFR § 571.116, Motor Vehicle Safety Standard No. 116, is amended as follows:

1. S3 is amended to read:

S3 Application. This standard applies to all fluid for use in hydraulic brake systems of motor vehicles. In addition, S5.3 applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

2. S4 is amended by adding the following definition in proper alphabetical sequence:

"Hydraulic system mineral oil" means a mineral-oil-based fluid designed primarily for use in motor vehicle brake systems in which none of the components contacting the fluid are SBR, EPDM, neoprene, or natural rubber."

3. S5 is amended by adding the following sentence at the end thereof: "Paragraphs S5.1 and S5.2.1 do not apply to silicone-based brake fluid or hydraulic system mineral oil."

4. S5.1 is amended to read: "When tested in accordance with S6, motor vehicle brake fluids other than silicone-based brake fluid and hydraulic system mineral oil shall meet the following requirements."

5. The first sentence of S5.2.1 is amended to read: "Each DOT 3 and DOT 4 brake fluid container with a capacity of 6 fluid ounces or more shall be provided with a resealable closure that has an inner seal impervious to the packaged brake fluid."

6. S5.2.2.1 is amended to read: "Each manufacturer of a brake fluid other than silicone-based brake fluid or hydraulic system mineral oil shall furnish to each packager, distributor, or dealer to whom he delivers brake fluid the following information: * * *"

7. S5.2.2.2 is amended to read: "Each packager of a brake fluid other than silicone-based brake fluid or hydraulic system mineral oil shall furnish the following information clearly and indelibly marked on each brake fluid container, in any location except on a removable part such as a lid. (a) * * *"

8. A new S5.2.2.3 is adopted to read: S5.2.2.3 On and after July 1, 1973, each packager of silicone-based brake fluid or hydraulic system mineral oil shall furnish the following information clearly and indelibly marked on each brake fluid container in any location except on a removable part such as a lid.

(a) The name of the packager of the brake fluid, which may be in code form.

(b) The name and complete mailing address of the distributor.

(c) A serial number identifying the packaged lot and date of packaging.

(d) Designation of the contents as "SILICONE-BASED BRAKE FLUID" or "HYDRAULIC SYSTEM MINERAL OIL", as applicable, in capital letters at least one-eighth inch high.

(e) The following safety warnings in capital and lower case letters as indicated:

1. Follow Vehicle Manufacturer's Recommendations When Adding Brake Fluid.

2. (For hydraulic system mineral oil only.) This brake fluid is Not Compatible with the rubber components of brake systems designed for use with DOT brake fluids.

3. Keep Brake Fluid Clean. Contamination with dirt or other materials may result in brake failure or costly repairs.

4. Caution: Store Brake Fluid Only in its Original Container. Keep Container Clean and Tightly Closed. Do Not Refill Containers or Use Other Liquids. (The last sentence is not required for containers with a capacity in excess of 5 gallons.)

9. S5.3 is amended to read:

S5.3 Motor vehicle requirement. Each passenger car, multipurpose passenger vehicle, truck, bus, trailer, and motorcycle that has a hydraulic brake system shall be equipped with brake fluid that has been manufactured and packaged in conformity with the requirements of this standard.

Effective date: July 1, 1973. Because these amendments relate to labeling requirements that do not entail product redesign, an effective date less than 180 days after the issue date is found to be in the public interest.

(Secs. 103, 112, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.51)

Issued on January 4, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73-1907 Filed 1-30-73;8:45 am]

[Docket No. 1-8; Notice 9]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Retreaded Pneumatic Tires

This notice revokes high speed and endurance requirements in Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," in accordance with an order of the U.S. Court of Appeals for the Seventh Circuit in *H & H Tire Company v. Volpe*, No. 71-1935, Seventh Circuit, December 5, 1972. It also specifies effective dates for provisions of the standard subject to a stay that was entered by the court on December 31, 1971, and removed by its order.

In a notice published March 23, 1972 (37 FR 9590), the NHTSA indicated that it did not believe retreaders should be required to maintain a state of constant preparation, so as to be able to conform to the standard immediately following the lifting of the stay by the reviewing court. The NHTSA took this position although the stay had been imposed only 24 hours before the standard was to become effective, and retreaders should have by that time taken all necessary steps to achieve compliance. The notice accordingly specified that those requirements of the standard dealing with matters other than labeling would become effective approximately 30 days after the stay imposed by the court had been lifted. Requirements dealing with affixed labels (S6.3.1) were to become effective in 90 days, and requirements for permanent labeling (S6.3.2) in 1 year.

When these dates were projected, however, the NHTSA had assumed a decision would be rendered by the court in a short time. That assumption proved incorrect, and the NHTSA has determined that more leadtime than that specified on March 23, 1972, should be allowed. This leadtime will allow retreaders to use up their already acquired inventory of casings, and to obtain labels to conform to the affixed labeling requirements.

This notice provides, therefore, that provisions of the standard except those dealing with permanent labeling are effective 120 days from the day of publication. The permanent labeling requirements of the standard are effective 1 year from the day of publication. The NHTSA is of the opinion that 120 days is sufficient under the circumstances for retreaders to take whatever remaining steps are necessary to achieve conformity with these requirements.

In light of the above, Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," 49 CFR 571.117, is amended as follows:

1. Paragraphs (e) and (f) of paragraph S5.1.1 are revoked.

2. Paragraph S5.1.3 is revised to read as follows:

S5.1.3 Each retreaded tire shall be capable of meeting the requirements of S5.1.1 and S5.1.2 when mounted on any rim in accordance with those sections. [The remaining sentences are deleted.]

3. Paragraph S6.2 is revised to read as follows:

S6.2 From June 1, 1973, to July 31, 1973, a manufacturer may certify compliance by affixing to the tread of the tire, in such a manner that it is not easily removable, a label that states in letters not less than three thirty-seconds of an inch high:

This retreaded tire was manufactured after June 1, 1973, and conforms to all applicable Federal motor vehicle safety standards.

4. Paragraph S6.3.1 is revised to read as follows:

S6.3.1 Each retreaded pneumatic tire manufactured on or after June 1, 1973, shall be labeled * * *

* * * * *

5. Paragraph S6.3.2 is revised to read as follows:

S6.3.2 Each retreaded pneumatic tire manufactured on or after February 1, 1974, shall be labeled * * *

Effective date: June 1, 1973, except for the provisions of paragraph S6.3.2, which are effective on February 1, 1974. The requirements of this standard were originally issued April 17, 1971, to become effective January 1, 1972. The standard in its present form was published March 23, 1972, but did not take effect due to a stay imposed on December 31, 1971. Accordingly, adequate leadtime has already been provided for any long-range steps necessary for compliance. The public was notified of expected effective dates by the notice of March 23, 1972.

It is therefore found, for good cause shown, that an effective date less than 180 days from the date of publication of this notice is in the public interest.

(Secs. 103, 112, 113, 114, 119, 201, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421; delegation of authority at 49 CFR 1.51)

Issued on January 24, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73-1908 Filed 1-30-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on January 31, 1973.

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

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Havasu National Wildlife Refuge, Needles, Calif., is open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Water skiing is permitted in the channelized segment of the Colorado River, as designated by signs, from 1.7 miles south of Topock, Ariz., to the north boundary of the refuge; and on that portion of Lake Havasu, as designated by signs, lying south of the Island.

(2) Camping and picnicking are permitted. Camping is permitted only in the following areas and is restricted to tent and boat camping:

a. Avocet Beach.

b. The shoreline from Topock Bridge south to the buoy at the north end of Topock Gorge.

c. The shoreline below the buoy at the south end of Topock Gorge except Castle Rock and Mesquite Boat ramp.

Also, recreational vehicle and tent camping is permitted at Five-Mile Landing and Catfish Paradise concessions for a nominal fee. All camping is limited to stays of no longer than 7 days.

(3) Boating is permitted in all waters of the refuge except where restricted by appropriate signs. Wakeless speed only is permitted east of the buoys on the Bill Williams River.

(4) Vehicle access is permitted on all refuge roads except where restricted by appropriate signs.

(5) Swimming, wading, scuba diving and skin diving are permitted except where restricted by signs.

(6) Fires may be built in areas where camping is allowed.

(7) Litter facilities are provided only for recreational users who are swimming, boating, picnicking, fishing, hunting or camping.

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

ROBERT A. KARGES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, California.

JANUARY 19, 1973.

[FR Doc.73-1879 Filed 1-30-73;8:45 am]

PART 33—SPORT FISHING

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on January 31, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu National Wildlife Refuge, Arizona and California, is permitted on waters designated as open to fishing. These waters, comprising 12,388 acres, are delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1973, inclusive, except that the closed area, as posted, in Topock Marsh is closed to fishing from January 1 through January 31, 1973, and from October 1, 1973, through January 31, 1974, inclusive.

(2) The possession of trotlines on the refuge is prohibited. A trotline is any hook and line arrangement that, when used, constitutes a violation of the "angling" laws of either Arizona or California.

(3) The taking of fish with bow and arrow is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through January 31, 1974.

ROBERT A. KARGES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

JANUARY 19, 1973.

[FR Doc.73-1880 Filed 1-30-73;8:45 am]

PART 33—SPORT FISHING

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on January 31, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The open seasons for sport fishing on the refuge extend from January 1 through December 31, 1973, inclusive, on the waters of Lake Texoma east of the north-south center line of Secs. 19, 30,

and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; and from April 1 through September 30, 1973, inclusive, for waters of Lake Texoma west of the north-south center line of Secs. 19, 30, and 31, T. 4 S., R. 7 E.

(2) The open season for sport fishing on the Tishomingo Management Unit extends from March 1, 1973, through September 30, 1973, inclusive. Fishing with trotlines in Lost Lake, Bobcat Gulch, and McAdams Pond is prohibited during open season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Oklahoma.

DECEMBER 15, 1972.

[FR Doc.73-1881 Filed 1-30-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER IV—INTERNAL REVENUE SERVICE

PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS

Termination of Economic Stabilization Functions of Office of Chief Counsel for the Internal Revenue Service

Part 401 of Chapter IV of Title 6 of the Code of Federal Regulations prescribes and explains, among other things, the procedures used by the Office of the Chief Counsel for the Internal Revenue Service in administering the President's Economic Stabilization Program as it existed prior to the issuance of Executive Order 11695, 38 FR 1473 (1973). Due to the issuance of Executive Order 11695 (relating to the establishment of Phase III of such program), such Part 401 is hereby revoked to the extent that it relates to the performance of functions mentioned or described in such part by the Office of the Chief Counsel for the Internal Revenue Service.

Effective date. This revocation is effective as of January 31, 1973.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

[FR Doc.73-1999 Filed 1-30-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Indemnity Locations

On May 6, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 FR 9227) a proposed amendment to 10 CFR Part 140, Finan-

cial Protection Requirements and Indemnity Agreements, which would specify how the Commission will determine the geographical boundaries of indemnity locations in indemnity agreements for the preoperational storage of fuel at the site of a power reactor under construction, and the geographical boundaries of indemnity locations where a nuclear reactor is operating and an additional power reactor is under construction nearby on a contiguous site by the same licensee.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received, the Commission has adopted the proposed amendment with certain changes.

The principal point in three of the comments, submitted by utilities, was that the proposed amendment would increase their insurance costs from nuclear property pools during construction. However, since the nuclear liability insurers are presently using the broader site concept for new policies, utilities have already found it necessary to purchase nuclear property insurance for the construction site whereas in the past they had been able to purchase "builder's risk" insurance at lower premiums. This amendment reflects such use of the broad concept by both nuclear liability insurers and nuclear property insurers. As stated in connection with the proposed rule published in the FEDERAL REGISTER on May 6, 1972, this amendment may not be susceptible of application to all circumstances (e.g., where conventional builder's risk policies, subject to a nuclear exclusion, remain in effect at some units, construction of which was commenced when such coverage was still available). Where the Commission on application of any affected person or on its own initiative determines that a departure from this proposed method would be authorized by law and otherwise in the public interest, it may establish a different indemnity location in individual cases.

The Commission believes that the amendment, by widening the geographical boundaries of the indemnity location to include the entire construction area of nuclear power reactors, will assure that indemnity funds in the highly unlikely event of a nuclear incident, will be available to the general public and will not be diluted in compensation of possible property losses at the site of the reactor under construction.

In order to eliminate the ambiguity of the phrase "the entire construction area of the nuclear power reactor" as used in the proposed amendment, the words "as determined by the Commission" have been added. A sentence to the effect that such area will not necessarily be coextensive with the indemnity location which will be established at the time an operating license is issued for additional

nuclear power reactors has also been included.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of 10 CFR Part 140 is published as a document subject to codification, to be effective on March 2, 1973.

A new § 140.96 Appendix F is added to read as follows:

§ 140.96 Appendix F—Indemnity locations.

(a) *Geographical boundaries of indemnity locations.* (1) In every indemnity agreement between the Commission and a licensee which affords indemnity protection for the preoperational storage of fuel at the site of

a nuclear power reactor under construction, the geographical boundaries of the indemnity location will include the entire construction area of the nuclear power reactor, as determined by the Commission. Such area will not necessarily be coextensive with the indemnity location which will be established at the time an operating license is issued for such additional nuclear power reactors.

(2) In every indemnity agreement between the Commission and a licensee which affords indemnity protection for an existing nuclear power reactor, the geographical boundaries of the indemnity location shall include the entire construction area of any additional nuclear power reactor as determined by the Commission, built as part of the same power station by the same licensee. Such area will not necessarily be coextensive with the indemnity location which will be established

at the time an operating license is issued for such additional nuclear power reactors.

(3) This section is effective May 1, 1973, as to construction permits issued prior to March 2, 1973, and, as to construction permits issued on or after March 2, 1973, the provisions of this section will apply no later than such time as a construction permit is issued authorizing construction of any additional nuclear power reactor.

(Secs. 161, 170, 68 Stat. 948, 71 Stat. 576; 42 U.S.C. 2201, 2210)

Dated at Germantown, Md., this 26th day of January 1973.

For the Atomic Energy Commission.

[SEAL]

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc. 73-1974 Filed 1-30-73; 8:45 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 145]

IMPORTATION AND EXPORTATION OF ARTICLES BY MAIL

Notice of Proposed Rule Making

Correction

In FR Doc. 72-21786 appearing at page 28060 of the issue for Wednesday, December 20, 1972, the following section heading should appear immediately after the authority citation which follows § 145.4(d):

§ 145.5 Undeliverable packages.

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Part 60-1]

ACCESS TO RECORDS AND SITE OF EMPLOYMENT

Notice of Proposed Rule Making

Notice is hereby given that pursuant to Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), the Department of Labor proposes to revise 41 CFR 60-1.43. The purpose of the revision is to clarify 41 CFR 60-1.43 to assure that contractors are fully cognizant of their obligations under existing OFCC policy and practice to allow access to their premises for the purpose of on-site compliance reviews. This revision is not intended to enlarge contractors' obligations under the Executive order and its implementing rules and regulations. The revised 41 CFR 60-1.43 reads as follows:

§ 60-1.43 Access to records and site of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to his premises for the purposes of conducting on-site compliance reviews and inspecting and copying such books, records, and accounts as may be relevant to the matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto, by the agency, or the Director. Information obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights Act of 1964, and in furtherance of the purposes of the Order and that Act.

Interested persons are invited to submit written comments, views or objections regarding the proposal to Mr. Philip J. Davis, Acting Director, OFCC, U.S. Dept. of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, on or before March 2, 1973.

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

J. D. HODGSON,
Secretary of Labor.

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

PHILIP J. DAVIS,
Acting Director,
Office of Federal Contract Compliance.
[FR Doc. 73-1827 Filed 1-30-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 91]

[Docket No. 10162; Notice 78-1]

CRASHWORTHINESS FOR SMALL AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 23 of the Federal Aviation Regulations to require on all small civil airplanes for which applications for type certificates under Part 23 are filed after the effective date of the proposed amendment, the installation of shoulder harnesses and that cabin and flight crew compartment interiors be designed to protect occupants from injury caused by contact with interior objects. In addition, the FAA is considering amending Part 91 to require the installation of shoulder harnesses on all small civil airplanes manufactured after 1 year from the effective date of the proposed amendment, and on small civil airplanes manufactured prior to that date if they have structural provisions for the attachment of shoulder harnesses, and to require occupants of seats equipped with shoulder harnesses to use the shoulder harnesses during takeoff and landing.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800

Independence Avenue SW., Washington, D.C. 20591. All communications received on or before April 30, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket, for examination by interested persons.

Section 23.785(g) of the Federal Aviation Regulations, as amended August 1, 1969, Amendment 23-7, requires small civil airplanes for which applications for type certificates under Part 23 are filed after September 14, 1969, to provide each occupant with protection from head injury either (1) by a safety belt and shoulder harness that will prevent the head from contacting any injurious object, or; (2) by a safety belt plus an energy absorbing rest that will support the arms, shoulders, head, and spine, or; (3) by a safety belt plus the elimination of any injurious object within striking radius of the head.

Subsequent to the adoption of Amendment 23-7 the FAA has continued its review of the very complex area of occupant restraint and crashworthiness of small airplanes. The FAA has also received suggestions concerning areas in which the protection of occupants from injury in a crash or emergency landing might be improved, including recommendations by the National Transportation Safety Board (NTSB). In addition, Mr. Ralph Nader filed a petition with the FAA requesting the institution of rule-making to improve the crashworthiness of small aircraft. In disposing of that petition the FAA advised that it was in the process of developing proposals concerning shoulder harness and occupant restraints and the improvement of the design of cabin interiors which would be included in a notice of proposed rule making. This notice takes into account the recommendations made by the NTSB and by Mr. Nader concerning requirements for shoulder harnesses and cabin interior design.

After evaluating the data and recommendations received and upon consideration of the type certification requirements for small airplanes, the FAA believes that additional crash protection is needed for occupants of small airplanes type certificated under Part 23, and proposes herein to amend § 23.785(g) to require that each occupant of those airplanes be protected from head injury when he experiences the inertia forces prescribed in § 23.561(b)(2) in a forward facing seat (0° to 18° angle with

the vertical plane containing the airplane centerline) or in a sideward facing seat (more than 18°) by a safety belt and shoulder harness. In addition, a sideward facing seat that is angled toward the rear of the airplane would be required to have an energy absorbing rest that would support the arms, shoulders, head, and spine. A rearward facing seat (0° to 18°) would be required to have a safety belt and an energy absorbing rest, but not a shoulder harness since the seat would prevent an occupant from pitching forward in the event of a crash. Furthermore, the FAA believes that, in order to provide the intended crash impact protection for flight crewmembers, each flight crewmember's shoulder harness should be fastened at all times. Therefore, it is proposed to add a new § 23.785(h) that would require that shoulder harness installations at flight crewmember stations permit a crewmember, when seated at his station, with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations.

In addition, the FAA believes that there should be provisions to prevent shoulder harnesses and safety belts, when not in use, from interfering with the operation of the airplane or with rapid egress under emergency conditions. Accordingly, it is proposed to add a new § 23.785(i) that would require that a means be provided to secure safety belts and shoulder harnesses when not in use.

While the proposed shoulder harness requirements should reduce the probability of occupant injury in small airplanes, the FAA believes that further protection should be provided in the area surrounding each seat within striking distance of the occupant's head, torso, and flailing arms and legs. Therefore, it is proposed to add a new § 23.785(j) that would require that this area (including interior walls, the instrument panel, control wheels, pedals, and seats) be free of sharp edges, protuberances, and hard areas.

Section 23.1307 is being amended editorially to delete the requirement for a safety belt for each occupant as redundant because § 23.785 presently requires a safety belt for each occupant.

The foregoing proposed amendments would be applicable only to small civil airplanes for which applications for type certification under Part 23 are filed after the effective date of the amendments. However, the FAA believes that, to the extent feasible and reasonable, small civil airplanes already in service should also be equipped with shoulder harnesses. Many small civil airplanes presently in service have structural provisions (tie-down points) for the attachment of shoulder harnesses and the installation of shoulder harnesses in these airplanes should not present any significant problem. However, there are a number of small civil airplanes now in service that cannot readily be fitted with shoulder harnesses since the necessary attachment points were not included in the design of the airplane.

The FAA believes, further, that it would be feasible and not unreasonably

burdensome, for small civil airplane manufacturers to provide shoulder harness attachment points on airplanes being constructed under existing type certificates so that airplanes manufactured after the effective date of this amendment could be equipped with shoulder harnesses. The date of manufacture of an airplane, for purposes of the proposed rules, would be the date the inspection acceptance records reflect that the airplane is complete and meets the FAA approved type design data. Accordingly, it is proposed to amend §§ 91.33 and 91.39 to prohibit, after 1 year after the effective date of this proposed amendment, the operation of such small civil airplanes with standard category and restricted category U.S. airworthiness certificates unless they have an approved shoulder harness installed (for each occupant except an occupant of a rearward facing seat specified in § 23.785(g)(2)) that is designed to protect the occupant from injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2). This regulation would not apply to airplanes that were manufactured prior to 1 year after the effective date of any final rule based on this proposed amendment and that do not have structural provisions for the attachment of shoulder harnesses. The proposal would require that a placard be installed on those airplanes stating that shoulder harnesses are not required in order to assure that this information is available to the pilots of these airplanes. It is also proposed to amend §§ 91.7 and 91.14 to require each occupant of a seat equipped with a shoulder harness to fasten his shoulder harness during takeoff and landing, and in the case of a flight crewmember, at all times while he is at his station.

The FAA has also received suggestions from Mr. Nader and the NTSB concerning other areas in which the protection of occupants from injury in a crash or emergency landing might be improved. In this connection it was suggested that the regulations be amended to require higher impact "g" force levels than are now prescribed, to require that the cockpit or cabin structure remain intact under those impact forces, to require the dynamic testing of seats, and to require further means to reduce potential ignition sources associated with accidents. Although the FAA's basic research and development programs and the data and recommendations submitted by those interested persons indicate possible future courses of action with regard to upgrading the crashworthiness of small airplanes in those areas, the information presently available is not sufficient to support rule-making action. The FAA is continuing its investigations in those areas and appropriate rule-making action will be initiated when sufficient data is available to provide a basis for rulemaking.

In consideration of the foregoing, it is proposed to amend Parts 23 and 91 of the Federal Aviation Regulations as follows:

1. Section 23.785 would be amended by amending the title and paragraphs (b) and (g) and by adding new paragraphs (h), (i), and (j) to read as follows:

§ 23.785 Seats, berths, safety belts, and harnesses.

(b) Each seat, berth, safety belt, and harness must be approved.

(g) Each occupant must be protected from head injury when he experiences the inertia forces prescribed in § 23.561(b)(2) in—

(1) A forward facing seat (0° to 18° angle with the vertical plane containing the airplane centerline) by a safety belt and shoulder harness that is designed to prevent the head from contacting any injurious object.

(2) A rearward facing seat (0° to 18° angle with the vertical plane containing the airplane centerline) by a safety belt and an energy absorbing rest that is designed to support the arms, shoulders, head, and spine.

(3) A sideward facing seat (more than 18° angle with the vertical plane containing the airplane centerline) by a safety belt and shoulder harness that will prevent the head from contacting any injurious object. In addition, sideward facing seats that are angled toward the rear of the airplane must have an energy absorbing rest that is designed to support the arms, shoulders, head, and spine.

(h) The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations.

(i) There must be a means to secure each safety belt and shoulder harness, when not in use, so as to prevent interference with the operation of the airplane and with rapid egress in an emergency.

(j) The cabin area surrounding each seat, including the structure, interior walls, instrument panel, control wheel, pedals, and seats, within striking distance of the occupant's head, torso, arms, and legs (with the safety belt fastened), must be free of potentially injurious objects, sharp edges, protuberances, and hard surfaces. If energy absorbing design or devices are used to meet this requirement, they must protect the occupant from injury when the occupant experiences the ultimate inertia forces prescribed in § 23.561(b)(2).

2. Section 23.1307 would be amended by deleting present paragraph (a) and redesignating present paragraph (b) as follows:

§ 23.1307 Miscellaneous equipment.

The following equipment is required miscellaneous equipment:

- (a) A master switch arrangement.
- (b) An adequate source of electrical energy.
- (c) Electrical protective devices.

3. Section 91.7 would be amended by amending paragraph (b) and adding a new paragraph (c) to read as follows:

§ 91.7 Flight crewmembers at stations.

(b) Keep his safety belt fastened while at his station.

(c) After 1 year after the effective date of this amendment in a U.S. registered small civil airplane, if the seat at his station is equipped with a shoulder harness, keep the shoulder harness fastened while at his station.

4. Section 91.14 would be amended by amending the title and by amending paragraphs (a) and (b) to read as follows:

§ 91.14 Fastening of safety belts and shoulder harnesses.

(a) Unless otherwise authorized by the Administrator—

(1) No pilot may take off or land a U.S. registered aircraft (except an airship) unless the pilot in command of that aircraft ensures that—

(i) Each person on board that aircraft has been instructed in the proper use of occupant restraint provisions.

(ii) Each person on board that aircraft has been notified to fasten his safety belt.

(iii) Each person on board that aircraft occupying a seat equipped with a shoulder harness has been notified to fasten his shoulder harness.

(iv) At each unoccupied seat, the safety belt and shoulder harness, if installed, are secured so as not to interfere with the operation of the aircraft and with rapid egress of occupants in an emergency.

(2) During the takeoff and landing of U.S. registered civil aircraft (except airships), each person on board that aircraft must occupy a seat or berth with a safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth, and a person on board for the purpose of engaging in sport parachuting may use the floor of the aircraft as a seat.

(3) During the takeoff and landing of a U.S. registered civil aircraft (except an airship), each person on board that aircraft occupying a seat equipped with a shoulder harness must properly secure the shoulder harness about him.

(b) This section does not apply to operations conducted under Parts 121, 123, or 127 of this chapter. Paragraphs (a) (2) and (a) (3) of this section do not apply to persons subject to § 91.7.

5. Section 91.33 would be amended by adding a new paragraph (b) (13) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

(b)
(13) For small civil airplanes, except those manufactured prior to (1 year after the effective date of this amendment) that do not have structural provisions for the attachment of shoulder harnesses but have a placard installed that states "shoulder harnesses not required", after (1 year after the effective date of this amendment), approved shoulder harnesses that are designed to protect each occupant (except occupants of rearward facing seats described in § 23.785(g) (2)) from head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b) (2). For purposes of this section, the date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA approved type design data. The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations.

6. Section 91.39 would be amended by adding a new paragraph (f) to read as follows:

§ 91.39 Restricted category civil aircraft; operating limitations.

(f) Except as to airplanes manufactured prior to (1 year after the effective date of this amendment) that do not have structural provision for the attachment of shoulder harnesses but have a placard installed that states "shoulder harnesses not required", after (1 year after the effective date of this amendment), no person may operate a small restricted category civil airplane unless approved shoulder harnesses are installed that are designed to protect each occupant (except occupants of rearward facing seats described in § 23.785(g) (2)), from head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b) (2). For purposes of this section, the date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA approved type design data. The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations.

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

Issued in Washington, D.C., on January 18, 1973.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc. 73-1770 Filed 1-30-73; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-81]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to

designate a transition area at Mackinac Island, Mich.

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 Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before March 2, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Mackinac Island Airport, Mackinac Island, Mich. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Mackinac Island, Mich. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

MACKINAC ISLAND, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mackinac Island Airport (latitude 45°51'55" N., longitude 84°38'20" W.).

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

Issued in Des Plaines, Ill., on January 8, 1973.

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

[FR Doc. 73-1771 Filed 1-30-73; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-84]

TRANSITION AREAS

Proposed Deletion and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the State of Michigan, Alpena, Bellaire, Charlevoix, Grayling, Luddington, Menominee, Oscoda, Roscommon,

Traverse City, Escanaba, Gaylord, Marquette, Iron Mountain, and Pellston, Mich., transition areas, and deleting the Lake City, Mich., 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 Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before March 2, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The Minneapolis Center has a requirement for additional control area near Traverse City, Alpena, and Pellston, Mich., to radar vector and properly control the flow of traffic in this area. This action will consolidate 10 airspace citations for the transition area into one.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

MICHIGAN

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Michigan south of parallel 45°45'.

In § 71.181 (38 FR 435), the following transition areas are amended by deleting reference to that airspace extending upward from 1,200 feet above the surface:

Alpena, Mich.	Menominee, Mich.
Bellaire, Mich.	Oscoda, Mich.
Charlevoix, Mich.	Roscommon, Mich.
Grayling, Mich.	Traverse City, Mich.
Ludington, Mich.	

In § 71.181 (38 FR 435), the following transition area is deleted: Lake City, Mich.

In § 71.181 (38 FR 435), the following transition areas are amended as indicated:

Escanaba, Mich.—add "excluding the portion south of parallel 45°45'."

Gaylord, Mich.—delete all after "(latitude 45°00'50" N., longitude 84°41'45" W.)."

Marquette, Mich.—add "and the portion south of parallel 45°45'."

Iron Mountain, Mich.—add "excluding the portion south of parallel 45°45'." Pellston, Mich.—change to read as follows:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.) and within 5 miles each side of the Pellston VORTAC 238° radial, extending from the 11-mile radius area to 22 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Pellston VORTAC north of parallel 45°45' excluding the portion overlying the Sault Ste. Marie, Mich. transition area.

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

Issued in Des Plaines, Ill., on January 8, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.73-1772 Filed 1-30-73; 8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 72-SO-120]

ESTABLISHMENT OF RESTRICTED AREA

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would establish a restricted area, R-5315, in the vicinity of Cape Hatteras, N.C.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before March 2, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would include the following restricted area in Part 73 of the Federal Aviation Regulations:

R-5315 CAPE HATTERAS, N.C.

Boundaries: Beginning at Lat. 35°31'00" N., Long. 76°00'00" W.; to Lat. 35°14'00" N., Long. 75°38'00" W.; to Lat. 34°54'00" N., Long. 76°16'00" W.; to Lat. 35°04'30" N., Long. 76°04'30" W.; to Lat. 35°18'15" N., Long. 76°16'40" W.; to Lat. 35°20'00" N., Long. 76°23'00" W.; to point of beginning.

Designated altitudes. From 4,000 feet MSL to but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington, D.C., ARTC Center.

Using agency. Commander Naval Air Force, U.S. Atlantic Fleet, NAS Norfolk, Va.

The proposed restricted area would be used by the Department of the Navy to help satisfy its continuing urgent requirement to provide pilots with controlled training in air combat maneuvering at supersonic speeds. The restricted designation would be necessary because the type of training to be conducted would constitute a hazardous situation for nonparticipating aircraft. Monitoring devices would be installed to supervise and direct aircraft engagements and to evaluate individual pilot performance; however, the devices would not be able to ensure safety to other aircraft. High-speed maneuvers during engagements could produce sonic booms in the area. An Environmental Impact Study which is being conducted under the auspices of the using agency would be completed prior to issuing the final rule.

(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 23, 1973.

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

[FR Doc.73-1773 Filed 1-30-73; 8:45 am]

[14 CFR Part 135]

[Docket No. 12531; Notice 73-2]

LIMITED IFR AIR TAXI OPERATIONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 135 of the Federal Aviation Regulations to make those sections dealing with limited IFR operations (§§ 135.75, 135.99, and 135.145) consistent with each other, with Terminal Instrument Procedures (TERPS), and with safe operating practices.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before March 30, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the rules docket for examination by interested persons.

Subject to certain conditions, § 135.75 authorizes single pilot flight, with an

IFR departure, IFR en route flight, and an IFR approach. Paragraph (b) thereof permits a pilot in command of an airplane carrying passengers to take off from the departure airport without a second in command pilot and in IFR conditions, if weather reports and forecasts indicate that the weather en route will permit flight under VFR or VFR over-the-top beginning at a point no more than 15 miles from the departure airport. However, paragraph (b)(1) of § 135.75 currently provides that after taking off, the pilot may continue to fly in IFR conditions to a point no more than 15 miles from the departure airport. Accordingly, under the present rule if a pilot finds he is still in IFR conditions when 15 miles from the departure airport, he must return to the departure airport and land in IFR conditions. This requires the pilot to reverse his course against the flow of IFR traffic and may disrupt the orderly and safe flow of outgoing and incoming traffic.

The FAA believes it would be a safer procedure in such circumstances to permit the pilot to continue flight in IFR conditions rather than risk disruption of the traffic flow. Accordingly, this proposal would delete the 15 miles limitation presently prescribed in § 135.75(b)(1).

Section 135.75(b)(2) allows the single pilot to make an IFR approach and land at the destination airport in IFR conditions if the approach is made with the use of radar, or if weather conditions allow flight and he flies clear of clouds until reaching the prescribed initial approach altitude over the final approach facility. The proposed amendment would allow IFR approach and landing if weather reports and forecasts indicate that the weather at the destination airport and within 15 miles of it allow flight clear of clouds until over that airport. The FAA believes this amendment would contribute to the efficient handling of traffic by ATC in the terminal area, and that these restrictions may be removed without compromising safety.

Section 135.99(a)(2) authorizes air taxi flights carrying passengers under VFR over-the-top conditions when weather reports and forecasts indicate that the weather at the destination airport allows an IFR approach and landing with flight clear of clouds until reaching the prescribed initial approach altitude over the final approach facility, unless the approach is made with the use of radar as provided in § 91.116(f).

Subparagraph (a)(2) would be amended by deleting "the prescribed initial approach altitude over the final approach facility", and the reference to the alternate approach under radar, and stating instead that over-the-top flight is authorized if the weather reports and forecasts indicate that the weather at the destination airport allows an IFR approach and landing in IFR conditions, with flight clear of clouds until over the destination airport.

This change would remove the language which is inconsistent with the terminology in TERPS, and allow greater

flexibility and reliability in limited IFR air taxi operations.

Subject to certain conditions, subparagraphs (i) and (iv) of § 135.145(b)(2) authorize IFR takeoff and IFR en route flight to a point no more than 15 miles from the departure airport, and an IFR approach and landing at the destination airport in IFR conditions. These authorizations are valid if weather reports and forecasts indicate that weather along the planned route allows flight under VFR under a ceiling (if a ceiling exists) and is forecast to remain so at every point ahead on the route until at least 1 hour after the estimated time of arrival at the point.

Section 135.145(b)(2) would be amended to remove the restrictions on IFR takeoff and IFR landing, and otherwise be amended for consistency with § 135.75.

To summarize, these proposals would continue to allow IFR takeoffs and approaches through local IFR weather conditions without compliance with the two-pilot requirement or multiengine performance requirements when the probability is high that the flight will otherwise be conducted under VFR conditions. The proposed amendment would permit the continuation of limited IFR flights rather than require a return to the point of departure, or diversion to an alternate when the flight has reached a point at which the pilot cannot proceed in accordance with the regulations because existing conditions at that point are not consistent with weather reports and forecasts available at departure. Removal of the special restrictions on destination conditions will mean that flight planning can be more certain and air traffic control can be more efficient, because the flight need not be interrupted by weather conditions which may vary after commencement of the flight.

In consideration of the foregoing, it is proposed to amend Part 135 of the Federal Aviation Regulations as follows:

1. By amending § 135.75 to read as follows:

§ 135.75 Exception to second in command requirement: unforecast and limited IFR conditions.

Unless two pilots are required by this chapter for operations under VFR, the pilot in command of an airplane carrying passengers may operate an airplane without a second in command in IFR conditions encountered during en route operations if those IFR weather conditions were not forecast or reported at the time of takeoff; and that pilot may operate in IFR conditions during departures and approaches, if—

(a) Weather reports and forecasts at the time of takeoff indicate that—

(1) IFR weather conditions (if any) at the departure airport are local and do not extend more than 15 miles from the departure airport;

(2) Weather en route allows flight under VFR conditions under the ceiling (if any) to a point within 15 miles of the destination airport; and

(3) Weather at the destination airport and within 15 miles of it allows flight clear of clouds until over that airport; or

(b) Weather reports and forecasts at the time of takeoff indicate that—

(1) IFR weather conditions (if any) at the departure airport allow VFR over-the-top flight from a point within 15 miles of the departure airport;

(2) Weather en route allows VFR over-the-top flight at the planned flight altitude until over the destination airport, or weather en route allows a return to VFR from any point en route at least 15 miles from the destination; and

(3) Weather at the destination airport and within 15 miles of it allows flight clear of clouds until over that airport.

2. By amending the introductory statement in § 135.99 to read as follows and § 135.99(a)(2) to read as follows:

§ 135.99 VFR over-the-top carrying passengers: operating limitations.

No person may operate an aircraft carrying passengers VFR over-the-top when the pilot in command is subject to the VFR over-the-top limitations of § 135.123, unless:

(a) * * *

(2) Allows an IFR approach and landing with flight clear of clouds until over the destination airport.

3. By amending § 135.145(b)(2) to read as follows:

§ 135.145 Performance requirements: aircraft operated over-the-top or in IFR conditions.

(b) * * *

(2) A person may operate an airplane in VFR conditions over-the-top, and in IFR conditions encountered during en route operations if those IFR weather conditions were not forecast or reported at the time of takeoff, and a person may operate an airplane in IFR conditions during departures and approaches, if weather reports and forecasts at the time of takeoff indicate that—

(i) IFR weather conditions (if any) at the departure airport are local and do not extend more than 15 miles from the departure airport;

(ii) Weather en route allows flight under VFR conditions under the ceiling (if any) to a point within 15 miles of the destination airport; and

(iii) Weather at the destination airport and within 15 miles of it allows flight clear of clouds until over that airport.

(Secs. 307(c), 313(a), 601(a), and 604(a) Federal Aviation Act of 1958, 49 U.S.C. 1348(c), 1354(a), 1421(a), and 1424(a); sec. 6(c) Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 18, 1973.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.73-1775 Filed 1-30-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 23)]

CLEVELAND, OHIO

Redefining Limits of Commercial Zone

JANUARY 26, 1973.

Petitioners: City of Mentor, Ohio, and the Mentor, Ohio, Chamber of Commerce.

Petitioner's representatives: Bruce E. Mitchell, 1600 First Federal Building, Atlanta, Ga. 30303.

By joint petition filed January 8, 1973, the above-named petitioners request that the Commission institute a rule making proceeding for the purpose of redefining the limits of the Cleveland, Ohio, commercial zone, which were most recently defined on March 23, 1948, in *Commercial Zones and Terminal Areas*, 48 M.C.C. 95, 97 (49 CFR 1048.22), as modified by order of September 6, 1972. Petitioners seek

amendment of 49 CFR 1048.22 so as to include that portion of Lake County, Ohio, described as follows: "From the intersection of Ohio State Highway 2 and western boundary of Mentor, Ohio, over State Highway 2 to the eastern city line of Mentor, Ohio, thence southward on the eastern city line of Mentor, Ohio, to the junction Interstate Highway 90; thence over Interstate Highway 90 to the southwestern city line of Mentor, Ohio;

Thence northward over the city line of Mentor, Ohio, to junction State Highway 2. For reason of ease of interpretation the Commission may see fit, based on evidence deduced in the proceeding, to consider inclusion of all of the city of Mentor, Ohio, within the involved commercial zone. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the submission of

written data, views or arguments. An original and fifteen copies of each data, views, or arguments shall be filed with the Commission on or before March 16, 1973. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1866 Filed 1-30-73; 8:55 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules, that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-36]

PRECLEARANCE OPERATIONS

Reimbursable Excess Costs

JANUARY 24, 1973.

Notice is hereby given that pursuant to § 24.18(d), Customs regulations (19 CFR 24.18(d)), the bi-weekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the period beginning February 4, 1973.

Installation	Bi-weekly excess cost
Montreal, Canada.....	\$3,270
Toronto, Canada.....	7,717
Kindley Field, Bermuda.....	1,870
Nassau, Bahama Islands.....	3,504
Vancouver, Canada.....	1,073
Winnipeg, Canada.....	459

[SEAL]

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-1892 Filed 1-30-73;8:45 am]

VITAMIN B-12

Approval of Tariff Classification

In a letter of August 16, 1971, H. Reisman Corp., an American wholesaler of vitamin B-12, through its attorneys, protested the Bureau ruling, abstracted as Treasury Decision 66-88(52), which classified vitamin B-12 made without the use of benzenoid precursors under the provision for synthetic vitamins in Item 437.82, Tariff Schedules of the United States (TSUS).

The complainant was informed that its complaint was considered, but on the basis of the evidence of record, the Bureau was satisfied that vitamin B-12 produced in the manner described was correctly classifiable in Item 437.82, TSUS.

In accordance with the provisions of section 516(c), Tariff Act of 1930, as amended, notice is hereby given that the named domestic wholesaler has given the notice contemplated by statute that he desires to contest the classification of vitamin B-12 made without the use of benzenoid sources. However, under section 516(d), Tariff Act of 1930, as amended, the practice of classifying vitamin B-12 made without the use of benzenoid precursors under Item 437.82, TSUS, will be continued so long as no decision of the U.S. Customs Court or the U.S. Court of Customs and Patent

Appeals not in harmony with this decision is published.

[SEAL]

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 22, 1973.

Edward L. Morgan,
Assistant Secretary of the
Treasury.

[FR Doc.73-1893 Filed 1-30-73;8:45 am]

Office of the Secretary

ELECTRONIC CERAMIC PACKAGES AND PARTS THEREOF FROM JAPAN

Tentative Discontinuance of Antidumping Investigation

Information was received on May 16, 1972, that electronic ceramic packages and parts thereof from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping proceeding notice" which was published in the FEDERAL REGISTER of June 20, 1972, on page 12164.

I hereby announce a tentative discontinuance of the antidumping investigation on electronic ceramic packages and parts thereof from Japan.

Statement of reasons on which this notice of tentative discontinuance of antidumping investigation is based: The investigation revealed that the proper basis of comparison for fair value purposes is between exporter's sales price and the adjusted home market price of such or similar merchandise.

Exporter's sales price was calculated by deducting from the f.o.b. Japan or f.o.b. San Francisco price, as appropriate, an amount equal to the expenses incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise. Further deductions were made, where applicable, for air freight, insurance, U.S. Customs duty, Customs brokerage, handling, and selling commissions.

Adjusted home market price for such or similar merchandise was based upon the delivered to customer's plant price at which a preponderance of the merchandise was sold. For one particular size package for which there was no clear preponderance of merchandise sold at the same price, the adjusted home market price was based on the weighted average of delivered to customer's plant

prices. From the preponderant or weighted-average prices, deductions were made for inland freight charges. Adjustments were made, as applicable, for selling expenses, differences in credit costs, differences in quantities, and differences in the merchandise.

Comparison between exporter's sales price and adjusted home market price revealed some instances where exporter's sales price was lower than the adjusted home market price of such or similar merchandise. However, these were determined to be minimal in terms of the volume of export sales involved.

In addition, formal assurances were received from the sole manufacturer investigated that it would make no future sales of electronic ceramic packages and parts thereof at less than fair value within the meaning of the Act. That manufacturer is believed to have accounted for all of the electronic ceramic packages and parts thereof imported from Japan during the period of the investigation.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than February 12, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than March 2, 1973.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraphs, a final notice will be published discontinuing the investigation.

This notice of tentative discontinuance of the antidumping investigation is published pursuant to § 153.15(b) of the Customs regulations (19 CFR 153.15(b)).

[SEAL]

EDWARD L. MORGAN,
Assistant Secretary
of the Treasury.

JANUARY 24, 1973.

[FR Doc.73-1968 Filed 1-30-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 1102]

ARIZONA

Partial Termination of Classification of Public Lands for Multiple Use Management

JANUARY 23, 1973.

Arizona State Office, 3022 Federal Building, Phoenix, Ariz. 85025.

By notice published at 32 FR 14716, Tuesday, October 24, 1967, the public lands described below were classified, along with other lands, for multiple-use management. Publication of this notice had the effect of segregating the lands from appropriation under the agricultural land laws (43 U.S.C., parts 7 and 9 and 25 U.S.C. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and State Exchange (43 U.S.C. 315g(c)).

Pursuant to the authority delegated by BLM Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, the notice of classification A 1102 and its segregative effect is hereby terminated as to the lands listed below.

ARIZONA

GILA AND SALT RIVER MERIDIAN

- T. 12 S., R. 5 W.,
Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$
E $\frac{1}{2}$;
Sec. 30, lot 4.
T. 12 S., R. 6 W.,
Sec. 12, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described aggregates 755.05 acres.

The above lands are opened only to disposal by State Exchange as authorized by section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272) as amended (43 U.S.C. sec. 315g) in furtherance of a Federal land program.

JOE T. FALLINI,
State Director.

[FR Doc. 73-1878 Filed 1-30-73; 8:45 am]

Geological Survey

[Power Site Cancellation 301]

APPLEGATE RIVER BASIN, OREG.

Power Site Cancellation

Correction

In FR Doc. 72-21475 appearing on page 26621 of the issue for Thursday, December 14, 1972, in the description of Sec. 11 of the Willamette Meridian, the second set of coordinates in the second line, now reading "SE $\frac{1}{4}$ NW $\frac{1}{4}$ ", should read "NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ".

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SAWTOOTH NATIONAL RECREATION AREA

Area Description

Pursuant to sec. 1(b) of the Sawtooth National Recreation Area Act, Public Law 92-400 (86 Stat. 612), a detailed

description of the Sawtooth National Recreation Area, Idaho, and a map showing the boundaries of the area are hereby published.

SAWTOOTH NATIONAL RECREATION AREA

Area Description

IDAHO

Boise Meridian

T. 5 N., R. 12 E. (Unsurveyed—Protraction Diagram No. 96).
Secs. 3, 4, 5, 8, 9, 10, 16, 17, those parts in Leggit Creek drainage.

T. 5 N., R. 14 E. (Unsurveyed—Protraction Diagram No. 96).
Secs. 1, 2, 3, and 4 inclusive, those parts north of the divide between Salmon River and Big Smokey Creek, except that part of Sec. 4 west of the head of Frenchman Creek in NE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 5 N., R. 15 E. (Unsurveyed—Protraction Diagram No. 95).
Sec. 1, that part north of a diagonal line extending from a prominent point approximately 1,800 feet southwest of Titus Lake in Sec. 18, T. 6 N., R. 15 E., to the confluence of Buccal Gulch and Baker Creek in Sec. 9, T. 5 N., R. 16 E.

T. 5 N., R. 16 E. (Unsurveyed—Protraction Diagram No. 95).

Secs. 1 to 5 inclusive;

Secs. 6 to 14 inclusive, except those parts south of a diagonal line extending from a prominent point approximately 1,800 feet southwest of Titus Lake in Sec. 18, T. 6 N., R. 15 E., to the confluence of Buccal Gulch and Baker Creek in Sec. 9, T. 5 N., R. 16 E.; thence east to the toe of the slope east of Baker Creek; thence generally along said toe of the slope in an easterly direction to the toe of the slope south of Big Wood River; thence easterly generally along the toe of the slope south of Big Wood River to the east township line of T. 5 N., R. 16 E.

T. 5 N., R. 17 E. (Unsurveyed—Protraction Diagram No. 94).

Secs. 3 to 10 inclusive, except those parts south and east of a line beginning at a point where the west township line of T. 5 N., R. 17 E., crosses the toe of the slope south of Big Wood River; thence generally along said toe of the slope to Corner No. 2 of tract 37; thence northeasterly along the north property line to Corner No. 3 of HES 124; thence northerly approximately $\frac{1}{4}$ mile to the toe of the slope east of the North Fork Big Wood River; thence northerly generally along said toe of the slope to the north township line of T. 5 N., R. 17 E.

T. 6 N., R. 11 E.,

Secs. 1 to 6 and 8 to 27 inclusive, except those parts of Secs. 5, 6, 8, 17 to 23, 26 and 27 inclusive, lying south and west of a line beginning at the point where the divide between Browns Creek and Little Queens River intersects the north line of said township; thence southerly along said divide approximately $\frac{1}{4}$ mile to a point in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6; thence easterly down a ridge to a point on the old Little Queens River Trail, said point being approximately $\frac{1}{4}$ mile south of Scott Creek; thence southerly down said trail to the junction with the old main Queens River Trail in Sec. 20; thence easterly along the old trail along a south branch of Queens River to the east section line of Sec. 21; thence southeasterly across said south branch and up the ridge southwest of the south branch of Queens River to the old trail on the divide between said River and the Middle Fork

Boise River at the head of Joe Daley Creek; thence southerly along said trail down Joe Daley Creek to its intersection with south line of Sec. 26; thence east along the section lines to the SE corner of Sec. 25, T. 6 N., R. 11 E.

T. 6 N., R. 12 E. (Unsurveyed—Protraction Diagram No. 96).

Secs. 1 to 23, 26 to 30, and 32 to 34 inclusive, except those parts of Secs. 29 to 32 southwest and those parts of Secs. 1, 11, 12, 14, 23, 26, 27, 33, and 34 southeast of a line beginning at the SE corner of Sec. 25, T. 6 N., R. 11 E.; thence east approximately $1\frac{1}{2}$ miles to the divide between Grays Creek and Leggit Creek; thence southerly along said divide to the south township line of T. 6 N., R. 12 E.; thence east along said line to its intersection with the divide between Middle Fork Boise River and South Fork Boise and Salmon Rivers; thence northeasterly along said divide to its intersection with the divide north of Alturas Lake Creek in Sec. 1; thence northeasterly along the Alturas Lake Creek divide to the east township line of T. 6 N., R. 12 E.

T. 6 N., R. 13 E. (Unsurveyed—Protraction Diagram No. 96).

Secs. 1, 12, 13, and 24, those parts east of a line beginning at the SE corner of Sec. 31, T. 7 N., R. 14 E.; thence south to the south line of Sec. 24; thence east along said south line to the east township line of T. 6 N., R. 13 E.; Sec. 6, that part northwest of the divide north of Alturas Lake Creek.

T. 6 N., R. 14 E. (Unsurveyed—Protraction Diagram No. 96).

Secs. 1 to 28 and 33 to 36 inclusive, except those parts of 13, 14, 23, 26, 35, and 36 southeasterly and those parts of Secs. 28 and 33 inclusive west of a line beginning at the SW corner of Sec. 19; thence east along the section lines to the intersection with the road west of Frenchman Creek; thence southerly along said road approximately $1\frac{1}{2}$ miles to the forks of Frenchman Creek in Sec. 33; thence southerly up the east fork of said creek to the south township line of T. 6 N., R. 14 E.; thence east along said township line to its intersection with the divide between Salmon River and South Fork Boise River; thence northeasterly along said divide approximately $\frac{1}{4}$ mile to the trail at the head of the Salmon River; thence northerly approximately 1 mile from said point down the Salmon River to the toe of the slope on the east side of said Salmon River; thence northerly along said toe of the slope to a point in the SE $\frac{1}{4}$ of Sec. 11, said point being west of a ridge located north of an unnamed stream west of Titus Lake; thence southeasterly up said ridge to east line of T. 6 N., R. 14 E.

T. 6 N., R. 15 E. (Unsurveyed—Protraction Diagram No. 95).

Secs. 1 to 28 and 34 to 36 inclusive, except those parts of Secs. 18 to 21, 27, 28, and 34 to 36 inclusive, southwest of a line beginning at the intersection of the ridge west of Titus Lake with the west township line of T. 6 N., R. 15 E., in Sec. 18; thence easterly up said ridge to the saddle west of Titus Lake; thence southwesterly along the ridge to a prominent point southwest of Titus Lake (elevation 9,971); thence southeasterly on a direct line ending at the confluence of Buccal Gulch and Baker Creek in Sec. 9, T. 5 N., R. 16 E.

T. 6 N., R. 16 E. (Unsurveyed—Protraction Diagram No. 95).

Secs. 1 to 36 inclusive.

T. 6 N., R. 17 E. (Unsurveyed—Protraction Diagram No. 94).

Secs. 1 to 23 and 27 to 34 inclusive, except those parts of Secs. 1, 2, 12 to 14, 22, 23, 27, and 34 inclusive, generally east of a line beginning on the south township line in Sec. 34 at the point of intersection with the toe of the slope east of North Fork Wood River; thence in a northerly direction along said toe of the slope to the East Fork of the North Fork Wood River approximately in the center of Sec. 22; thence northeasterly up said East Fork of the North Fork Wood River to the east township line of T. 6 N., R. 16 E.; thence north along said township line to its intersection with the divide between Big Wood River and Big Lost River; thence northwesterly along said divide to its intersection with the north township line of T. 6 N., R. 17 E.

T. 6 N., R. 18 E. (Unsurveyed—Protraction Diagram No. 94).

Secs. 6 and 7, those parts west of a line beginning at the point of intersection of the East Fork of the North Fork Wood River and the west township line of T. 6 N., R. 18 E.; thence east up said East Fork to the divide between said East Fork of the North Fork Wood River and Trail Creek; thence northwesterly along said divide to its intersection with the divide between North Fork Wood River and Big Lost River; thence northwesterly along said divide to its intersection with the west township line of T. 6 N., R. 18 E.

T. 7 N., R. 10 E.

Secs. 1, 2, 11, and 12, those parts north and east of the old Queens River Trail beginning in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2; thence southerly along said trail down Johnson Creek to a point in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11; thence easterly from said point following the trail along a ridge north of Grouse Creek to the east of township line of T. 7 N., R. 10 E., in Sec. 12.

T. 7 N., R. 11 E. (Unsurveyed—Protraction Diagram No. 87).

Sec. 1 to 5 inclusive;

Sec. 8, that part north and east of old Queens River Trail;

Secs. 9 to 15 inclusive;

Secs. 16 and 17, those parts east of the old Queens River Trail;

Sec. 20, that part east of a line beginning at the intersection of the old Queens River Trail and the north section line; thence southerly along said trail to its intersection with the divide between Black Warrior Creek and Queens River; thence southerly down said divide to the south section line of Sec. 20;

Secs. 21 to 28 inclusive;

Secs. 29 and 32, those parts east of the divide between Black Warrior Creek and Queens River;

Secs. 33 to 36 inclusive.

T. 7 N., R. 12 E. (Unsurveyed—Protraction Diagram No. 87).

Secs. 1 to 36 inclusive.

T. 7 N., R. 13 E. (Unsurveyed—Protraction Diagram No. 87).

Secs. 1 to 36 inclusive.

T. 7 N., R. 14 E.

Secs. 1 to 36 inclusive.

T. 7 N., R. 15 E. (Unsurveyed—Protraction Diagram No. 95A).

Secs. 1 to 36 inclusive.

T. 7 N., R. 16 E. (Unsurveyed—Protraction Diagram No. 95A).

Secs. 1 to 36 inclusive.

T. 7 N., R. 17 E. (Unsurveyed—Protraction Diagram No. 85).

Sec. 1, that part west of the divide between West Pass Creek and East Pass Creek;

Secs. 2 to 11 inclusive;

Secs. 12 and 13, those parts west of the divide between West Pass Creek and East Pass Creek—Big Lost River drainages;

Secs. 14 to 22 inclusive;

Secs. 23 to 26 inclusive; those parts west of the divide between West Pass Creek and Big Lost River;

Secs. 27 to 35 inclusive;

Sec. 36, that part west of the divide between West Pass Creek—North Fork Wood River and Big Lost River.

T. 8 N., R. 10 E.

Secs. 1, 2, 3, and 10, those parts east of the divide between North Fork Boise River and Tenmile Creek;

Secs. 11 to 13 inclusive;

Secs. 14, 15, 22, and 23, those parts east of the divide between North Fork Boise River and Cow Creek;

Secs. 24 to 26 inclusive;

Secs. 27, 34, and 35, those parts east of a line beginning at the intersection of the divide between North Fork Boise River and Cow Creek with the north line Sec. 27; thence southerly along said divide to the old Queens River Trail at the mouth of Bayhorse Creek; thence following said trail up Bayhorse Creek to the south line of Sec. 35;

Sec. 36, all.

T. 8 N., R. 11 E. (Unsurveyed—Protraction Diagram No. 87).

Secs. 1 to 5, 8 to 17, 20 to 29, and 32 to 36 inclusive.

T. 8 N., R. 12 E. (Unsurveyed—Protraction Diagram No. 87).

Secs. 1 to 36 inclusive.

T. 8 N., R. 13 E. (Unsurveyed—Protraction Diagram No. 87).

Secs. 1 to 36 inclusive.

T. 8 N., R. 14 E.

Secs. 1 to 36 inclusive.

T. 8 N., R. 15 E. (Unsurveyed—Protraction Diagram No. 86).

Secs. 1 to 36 inclusive.

T. 8 N., R. 16 E. (Unsurveyed—Protraction Diagram No. 86).

Sec. 1, that part northwest of the divide between Wickiup Creek and Germania Creek;

Secs. 2 to 10 inclusive;

Secs. 11, 12, and 14 inclusive, those parts north and west of a line following the divide between Wickiup Creek and Germania Creek to a prominent point (elevation 9,912) on said divide approximately on south line of Sec. 11; thence southeasterly down the ridge between Chamberlain Creek and Germania Creek to the south line of Sec. 14;

Secs. 15 to 22 inclusive;

Secs. 23 to 36 inclusive, except those parts of Secs. 23 to 27 and 34 to 36 inclusive generally northeasterly of a line beginning at the intersection of the ridge between Chamberlain Creek and Germania Creek and the north line of Sec. 23; thence in a southeasterly direction along said ridge to the confluence of Chamberlain Creek and Germania Creek; thence southwesterly parallel to and 500 feet south of Germania Creek approximately $1\frac{1}{2}$ miles to the crest of a ridge in Sec. 27; thence southeasterly up said ridge to a prominent point on the divide between Germania Creek and East Fork Salmon River in Sec. 35; thence northeasterly along said divide to a prominent point near the east line of Sec. 25; thence southeasterly along a ridge between two unnamed streams to a point on the east township line in Sec. 25, approximately 2,000 feet north of the southwest corner of Sec. 30, T. 8 N., R. 17 E.

T. 8 N., R. 17 E.

Sec. 6, that part northwest of the divide between Wickiup Creek and East Fork Salmon River;

Secs. 26, 27, 28, 30, and 31 to 36 inclusive, those parts south of a line beginning at the intersection of the ridge on the west township line approximately 2,000 feet north of the southwest corner of Sec. 30; thence southeasterly down said ridge to

a prominent point (elevation 7,015) in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31; thence southeast to Corner No. 10 of HES 597; thence northeasterly along the boundary of said homestead to its intersection with West Pass Creek; thence northeasterly and southeasterly along the divide north and east of West Pass Creek to its intersection with the south line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36.

T. 9 N., R. 10 E.

Secs. 23 to 26, 35, and 36 inclusive, those parts within the North Fork Boise River drainage.

T. 9 N., R. 11 E. (Unsurveyed—Protraction Diagram No. 82).

Secs. 1 to 3, 10 to 16, 20 to 29, and 32 to 36 inclusive, except those parts of Secs. 3, 10, 15, 16, 20, 21, and 22 in Wapiti Creek drainage.

T. 9 N., R. 12 E. (Unsurveyed—Protraction Diagram No. 82).

Secs. 1 to 36 inclusive.

T. 9 N., R. 13 E. (Unsurveyed—Protraction Diagram No. 82).

Secs. 1 to 36 inclusive.

T. 9 N., R. 14 E.

Secs. 1 to 36 inclusive.

T. 9 N., R. 15 E. (Unsurveyed—Protraction Diagram No. 86).

Secs. 1 to 36 inclusive.

T. 9 N., R. 16 E. (Unsurveyed—Protraction Diagram No. 86).

Secs. 1 to 36 inclusive.

T. 9 N., R. 17 E.

Secs. 3 to 9 inclusive;

Secs. 17 to 20 inclusive;

Secs. 29 to 32 inclusive, except those parts of Secs. 31 and 32 south of the divide between Wickiup Creek and Germania Creek.

T. 10 N., R. 11 E. (Unsurveyed—Protraction Diagram No. 82).

Secs. 1 to 3, 10 to 15, 23 to 28, and 33 to 36 inclusive, except those parts of Secs. 3, 10, 14, 15, 23, 26, 27, 28, 33, and 34 west of a line beginning at the intersection of the divide between Canyon Creek and Elk Creek with the north township line in Sec. 3; thence southerly along said divide to a prominent point in Sec. 23; thence southerly along the ridge between Bear Creek and Silver Creek to a prominent point in Sec. 26; thence southwesterly along the ridge between Bear Creek and Grandjean Creek to a point on the South Fork Payette River in Sec. 33, said point being approximately $\frac{1}{2}$ mile east of the access road across said river to the Wapiti Creek Summer Homes area; thence in a southeasterly direction up the ridge between Wapiti Creek and South Fork Payette River to its intersection with the south township line, T. 10 N., R. 11 E., in Sec. 34.

T. 10 N., R. 12 E. (Unsurveyed—Protraction Diagram No. 82).

Secs. 1 to 36 inclusive.

T. 10 N., R. 13 E.

Secs. 1 to 36 inclusive.

T. 10 N., R. 14 E. (Unsurveyed—Protraction Diagram No. 81).

Secs. 1 to 36 inclusive.

T. 10 N., R. 15 E. (Unsurveyed—Protraction Diagram No. 81).

Secs. 1 to 36 inclusive.

T. 10 N., R. 16 E. (Unsurveyed—Protraction Diagram No. 81).

Secs. 1 to 36 inclusive.

T. 10 N., R. 17 E.

Secs. 1 to 11 inclusive;

Sec. 12, that part northwest of a diagonal line extending from the northeast corner to the southwest corner of said section;

Sec. 14, W $\frac{1}{2}$;

Secs. 15 to 22 inclusive;

Sec. 23, W $\frac{1}{2}$;

Secs. 26 to 34 inclusive;

Sec. 35, W $\frac{1}{2}$.

T. 11 N., R. 11 E. (unsurveyed—Protraction Diagram No. 83),
Secs. 1, 2, 3, 9, and 10, those parts in Trap Creek drainage;
Secs. 11 to 14 inclusive;
Secs. 15 and 22, those parts in Valley Creek drainage;
Secs. 23 to 26 inclusive;
Secs. 27, 34, and 35, those parts in Valley Creek drainage;
Sec. 36, all.

T. 11 N., R. 12 E.,
Secs. 1 to 36 inclusive.

T. 11 N., R. 13 E.,
Secs. 3 to 6 inclusive, those parts southwest of the divide between Valley Creek and Basin Creek;
Sec. 7, all;
Secs. 8, 9, 10, and 15, those parts southwest of the divide between Valley Creek and Basin Creek;
Secs. 16 to 21 inclusive;
Sec. 22, those parts within Stanley Creek drainage;
Sec. 25, that part south of a line approximately $\frac{1}{4}$ mile north of and parallel to the Salmon River;
Secs. 27 to 36 inclusive, except those parts of Secs. 27, 28, and 34 in Joes Gulch drainage.

T. 11 N., R. 14 E.,
Secs. 19 to 24 inclusive, those parts south of a line $\frac{1}{4}$ mile north of and parallel to the Salmon River;
Secs. 25 to 29 inclusive;
Sec. 30, that part south of a line $\frac{1}{4}$ mile north of and parallel to the Salmon River;
Secs. 31 to 36 inclusive.

T. 11 N., R. 15 E. (unsurveyed—Protraction Diagram No. 81),
Secs. 19 to 22 and 25 to 27, those parts south of a line $\frac{1}{4}$ mile north of and parallel to the Salmon River, including HES 136;
Secs. 28 to 36 inclusive.

T. 11 N., R. 16 E.,
Secs. 25 to 30 inclusive, those parts south of a line $\frac{1}{4}$ mile north of and parallel to the Salmon River, including lot 5;
Sec. 25, and HES 322 and HES 583;
Secs. 31 to 36 inclusive.

T. 12 N., R. 11 E.,
Sec. 36, that part in Valley Creek drainage.

T. 12 N., R. 12 E. (unsurveyed—Protraction Diagram No. 77),
Secs. 25 to 29 and 31 to 36 inclusive, those parts south of a line beginning at the intersection of the divide between East Fork Valley Creek and Thompson Creek with the east line of Sec. 36; thence in a westerly direction along said divide to the intersection of Forest Service Roads in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27; thence southwesterly along the divide between Marsh Creek and Valley Creek to the west section line of Sec. 31.

T. 12 N., R. 13 E. (unsurveyed—Protraction Diagram No. 76),
Sec. 31, that part in Thompson Creek drainage.

Dated: January 23, 1973.

T. K. COWDEN,
Assistant Secretary.

[FR Doc.73-1685 Filed 1-30-73;8:45 am]

**Soil Conservation Service
WATERSHED PLANNING
Notice of Authorization**

This provides a notice of the authorization dated January 26, 1973, to concerned State conservationists of the Soil

Conservation Service for providing planning assistance to specified local organizations on the indicated watersheds. The State conservationist now may proceed with the investigations and surveys, as may be necessary, to develop watershed work plans under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566).

Environmental statements will be prepared, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, concurrently with the preparation of the proposed watershed work plans. Environmental statements will be made available to the general public, filed with the Council on Environmental Quality, and the notice of availability published in the FEDERAL REGISTER.

Persons interested in any of these projects may contact the local organizations or the concerned State conservationist as indicated below:

Hawaii: Honokaa Watershed; 12,600 acres; Hawaii County; Sponsors—Mauna Kea Soil and Water Conservation District, and the County of Hawaii; Mr. Fred A. Haughton, Jr., State Conservationist, Soil Conservation Service, 440 Alexander Young Building, Honolulu, Hawaii 96813.

Michigan: Rogue River Watershed; 155,760 acres; Newaygo and Kent Counties; Sponsors—Newaygo County Soil Conservation District, West Kent Soil Conservation District, Newaygo County Drain Commissioner, and Kent County Drain Commissioner; Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, MI 48823.

Montana: Whitefish Lake Watershed; 104,200 acres; Flathead County; Sponsors—City of Whitefish, Flathead County Commissioners, and Flathead Conservation District; Mr. A. B. Linford, State Conservationist, Soil Conservation Service, Federal Building, Post Office Box 970, Bozeman, MT 59715.

Nebraska: Maple Creek Watershed; 250,000 acres; Colfax, Cuming, Dodge, Platte, and Stanton Counties; Sponsor—Lower Elkhorn Natural Resources District; Mr. Keith F. Myers, State Conservationist, Soil Conservation Service, 134 South 12th Street, Room 604, Lincoln, NE 68508.

Texas: Upper San Marcos River Watershed; 70,030 acres; Comal and Hays Counties; Sponsors—Comal, Hays, Guadalupe Soil and Water Conservation District, City of San Marcos, Hays County Commissioners Court, Upper San Marcos Reclamation and Flood Control District; Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, 16-20 South Main Street, Post Office Box 648, Temple, TX 76501.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

JANUARY 26, 1973.

[FR Doc.73-1896 Filed 1-30-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-329]

BLACKSHIPS, INC.

Application for Operating-Differential Subsidy

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 applicant. Blackships, Inc.

Description of domestic service and vessels. The applicant, Blackships, Inc., acting by and through Gulf Oil Corp., requests permission to continue operation of the following listed vessels in domestic intercoastal or coastwise service, as well as permission for all other vessels owned and/or operated by Gulf Oil and other related companies to continue operation in domestic intercoastal or coastwise service.

Gulf Deer	Gulf Knight
Gulf Lion	Gulf Crest
Gulf Tiger	Gulf Pride
Gulf King	Gulf Solar
Gulf Queen	Gulf Oil
Gulf Prince	

Written permission is now required by the applicant, Blackships, Inc., 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 the 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 February 7, 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., February 9, 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.

Dated: January 26, 1972.

By order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-1816 Filed 1-30-73;8:45 am]

National Oceanic and Atmospheric Administration

MARINE FISHERIES ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a) (2) of Public Law 92-463, notice is hereby given of the meeting of the Marine Fisheries Advisory Committee on Tuesday, Wednesday, and Thursday, February 6, 7, and 8, 1973. The meeting will commence at 9 a.m. on February 6 and at 8:30 a.m. on February 7 and 8, at the Department of Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, D.C., in Room 6802.

The items for discussion at the meeting will include the following:

FEBRUARY 6, 1973

9 a.m.: Workshop on NACOA Report (1); Workshop will continue through the day.

FEBRUARY 7, 1973

8:30 a.m.: Introductions and Announcements (1).

8:45 a.m.: Discussion, Comments and Recommendations on NACOA Report (2).

9 a.m.: NMFS Marketing Program—Progress Report (3).

10 a.m.: NMFS Sportfisheries Programs (4).

1:30 p.m.: Law of the Sea Progress Report (5).

2 p.m.: Coastal Zone Program (6).

3 p.m.: Marine Mammals Program (7).

4 p.m.: Response to Committee Requests at last meeting (8).

- a. State-Federal Fisheries Management Program—Definition of Good Fisheries Management.
- b. NOAA Marine Advisory Services—Progress Report.
- c. Potential Use of Dogfish Shark.
- d. California Fisheries Problems.
- e. Cooperative Programs with U.S. Coast Guard—Progress Report.
- f. Other items suggested by Committee Members.

FEBRUARY 8, 1973

8:30 a.m.: Great Lakes Fishery Problems (1).

9:30 a.m.: NMFS Financial Assistance Program—Progress Report (2).

11:00 a.m.: Budget consideration affecting NOAA fisheries related activities recommended by MAFAC at past meetings (3).

The meeting will be open to the public on February 6 and 7 and will be open to the public on February 8 from 8:30 a.m. to 11 a.m. The meeting will be closed to the public from 11 a.m. to 1 p.m. on February 8 to discuss agenda item No. 3 which is concerned with matters listed in 5 U.S.C. 552(b) and has been closed to the public as authorized by section 10(d) of Public Law 92-463 by a determination of the Assistant Secretary of Commerce for Administration dated January 24, 1973.

Dated: January 26, 1973.

ROBERT M. WHITE,
Administrator, National Oceanic
and Atmospheric Administration.

[FR Doc.73-1822 Filed 1-30-73;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-3 634 033

Method for the Production of Single Crystals.

Filed June 10, 1970, Patented June 11, 1972
Not available NTIS

PATENT-3 634 704

Apparatus for the Production of Highly Stripped Ions.

Filed September 2, 1970, Patented January 11, 1972
Not available NTIS

PATENT-3 636 778

Method and Means for Dimensional Inspection of Tubing.

Filed June 5, 1970, Patented June 25, 1972
Not available NTIS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PAT APPL 289048

Totally Confined Explosive Welding.

Filed September 14, 1972

PC\$3.00/MF\$0.95

PAT APPL 289017

Grinding Arrangement for Ball Nose Milling Cutters.

Filed September 14, 1972

PC\$3.00/MF\$0.95

PAT APPL 287150

Flow Control Valve.

Filed September 7, 1972

PC\$3.00/MF\$0.95

PAT APPL 293726

Improved Diffusion Welding.

Filed September 29, 1972

PC\$3.00/MF\$0.95

PAT APPL 290021

Bonded Joint and Method.

Filed September 18, 1972

PC\$3.00/MF\$0.95

PAT APPL 297128

Differential Phase Shift Keyed Communication System.

Filed October 12, 1972

PC\$3.50/MF\$0.95

[FR Doc.73-1807 Filed 1-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2866]

BORDEN CHEMICAL, DIVISION BORDEN, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 3B2866) has been filed by Borden Chemical, Division Borden, Inc., Post Office Box 9524, Philadelphia, PA 19124, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended in paragraph (c) to provide for the safe use of bis-(sodium 2-sulfoethyl) maleate as a stabilizing monomer in copolymers used in food-packaging adhesives.

Dated: January 22, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-1778 Filed 1-30-73;8:45 am]

[DESI 3205]

CALCIUM PANTOTHENATE, ORAL

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has considered a report from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Panthilon Tablets containing 10 mg. calcium pantothenate per tablet; Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 3-205).

As presently constituted this article provides a level of pantothenic acid which is regarded as a dietary supplement. Therefore, the article is considered by the Food and Drug Administration

to be a food and should be labeled as required for such products.

Though not provided for in the new drug application that had been submitted and approved for this product, physician-directed labeling containing therapeutic indications for the article was available in 1966 when the product was submitted by the NDA holder for Academy review. The conclusions of the Food and Drug Administration, taking into consideration the Academy's report as well as other available evidence, is that calcium pantothenate lacks substantial evidence of effectiveness when offered as a drug for treatment of burning foot syndrome due to pantothenic acid deficiency and for implied claims related to conditions characterized by weakness, fatigue, dizziness, psychoses, mood changes, unsteady gait, torpor, or stressful situations. Any such article which purports or is recommended to be useful in these conditions is subject to regulatory proceedings.

All identical, related, or similar products offered or intended for drug use and not the subject of an approved new drug application, are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 3205, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-66), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 23, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-1776 Filed 1-30-73;8:45 am]

[FAP 3B2867]

CIBA-GEIGY CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b)

(5)), notice is given that a petition (FAP 3B2867) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of thiodiethylene-bis(3,5, di-tert-butyl-4-hydroxyhydrocinnamate) as an antioxidant and/or stabilizer for thermoplastic and thermo-setting polymers used as adhesives for food-packaging materials.

Dated: January 23, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-1777 Filed 1-30-73;8:45 am]

COLOR ADDITIVES

Metallic Salts and Vegetable Substances in Hair Dye

This notice clarifies the status of metallic salts and vegetable substances when used as color components in hair dye.

Cosmetic product components consisting of metallic salts or vegetable substances capable of imparting color are "color additives" within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321(t). Except for investigational use by experts, 21 U.S.C. 376 (a) (2), (f), 21 CFR 8.33, in the absence of an applicable permanent or provisional color additive listing promulgated by the Food and Drug Administration, such metallic salts or vegetable substances, when used as components of a cosmetic, are deemed "unsafe" for the purposes of 21 U.S.C. 361(e). 21 U.S.C. 376(a), section 203, title II, Public Law 86-618 (July 12, 1960).

21 U.S.C. 361(e) provides that a cosmetic shall be deemed to be adulterated "[i]f it is not a hair dye and it is, or it bears or contains, a color additive which is unsafe within the meaning of" 21 U.S.C. 376(a). The United States Court of Appeals for the Second Circuit has ruled that despite use of the introductory words "if it is not a hair dye," Congress did not mean to exempt non-coal-tar color additives used in hair dyes from the requirement of listing. *Toilet Goods Assoc. v. Finch*, 419 F.2d 21, 30 (C.A. 2, 1969).

Metallic salts and vegetable substances are not coal-tar derivatives. Thus, except for investigational use by experts, in the absence of a listing permitting use, any hair dye which contains a metallic salt or vegetable substance as a coloring component is an adulterated cosmetic, 21 U.S.C. 361(e).

Furthermore, any hair dye, including a coal-tar hair dye, which bears or contains a poisonous or deleterious metallic salt or vegetable substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual, must be deemed adulterated (21 U.S.C. 361(a)). The exemption in 21 U.S.C. 361(a) does not apply to coloring ingredients which

are not derived from coal-tar, such as metallic salts or vegetable substances (21 CFR 8.1(u)). *TGA v. Finch*, supra, 419 F.2d at 29-30.

The Commissioner of Food and Drugs hereby gives notice that, on or before July 30, 1973, any person who desires to use as a coloring component in hair dye any metallic salt or vegetable substance not presently listed for such use, shall submit a petition proposing appropriate permanent listings.

After July 30, 1973, any marketed hair dye containing a metallic salt or vegetable substance for which there is no applicable listing or pending petition for listing will be liable to regulatory action. The Food and Drug Administration is provisionally listing metallic salts and vegetable substances used for these purposes on an interim basis. Only those color additives for which petitions are filed by July 30, 1973, will be retained on the provisional list at that time.

The FEDERAL REGISTER notice of December 10, 1963 (28 FR 13374) captioned "Color Additives; Metallic-Salt and Vegetable Hair Colors," which was based on regulations which have now been amended, is hereby rescinded.

Dated: January 29, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-2012 Filed 1-30-73;10:14 am]

Health Services and Mental Health Administration

COMPREHENSIVE HEALTH PLANNING TRAINING AND STUDIES REVIEW COMMITTEE

Notice of Meeting

The Acting Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of February 1973.

Committee name	Date, time, place	Type of meeting and/or contact person
Comprehensive Health, Planning Training and Studies Review Committee.	Feb. 5-7, 9 a.m., Ramada Inn, Bethesda, Md.	Closed. Contact Frank Jaska, Room 7-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD Code 301-443-2200.

Purpose. The committee is charged with the review of grant applications with respect to the development of improved or more effective comprehensive health planning through training and education. Provides advice and assistance on programing goals and policies relating to comprehensive health planning training, studies and demonstrations.

Agenda. The committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the

provisions of Public Law 92-463, section 10(a) (2).

Items for discussion are subject to change due to priorities as directed by the President of the United States, or the Secretary of Health, Education, and Welfare.

A roster of members may be obtained from the contact person listed above.

Dated: January 23, 1973.

ANDREW J. CARDINAL,
*Acting Associate Administrator
for Management Health Services
and Mental Health Administration.*

[FR Doc.73-1779 Filed 1-30-73;8:45 am]

National Institutes of Health

ADULT DEVELOPMENT AND AGING RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Adult Development and Aging Research and Training Committee, February 1-2, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 to 10 a.m., February 1, to discuss the general business of the committee. The meeting will be closed to the public from 10 a.m. to 5 p.m., February 1 and from 9 a.m. to 4 p.m., February 2, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A-804B, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Walter Spieth, Executive Secretary of the Committee, Room 2A-51, Building 31, National Institutes of Health, 496-1033.

JOHN F. SHERMAN,
*Deputy Director,
National Institutes of Health.*

JANUARY 22, 1973.

[FR Doc.73-1794 Filed 1-30-73;8:45 am]

ANIMAL RESOURCES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, February 5 and 6, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 5. The meeting will be open to the public on February 5 from 9 to 10:30 a.m. during which time there will be a brief staff presentation on the current status of the animal resources program. The Committee will select future meeting dates. The meeting will be closed to the public from 10:30 to 5 p.m. on February 5 and from 9 a.m. to 5 p.m.

on February 6 to review, discuss, and evaluate and/or rank grant applications in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The information officer who will furnish summaries of the meeting and roster of Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 4B03, Bethesda, Md. 20014, 496-5545.

The Executive Secretary from whom substantive program information may be obtained is Dr. John E. Holman, Building 31, Room 5B35, Bethesda, Md. 20014, 496-5507.

JOHN F. SHERMAN,
*Deputy Director,
National Institutes of Health.*

JANUARY 22, 1973.

[FR Doc.73-1804 Filed 1-30-73;8:45 am]

BIOMEDICAL LIBRARY REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee, February 6-8, 1973, from 8:30 a.m. to 5 p.m. This meeting will be open to the public all day February 6 for an audiovisual seminar, conducted by staff of the National Medical Audiovisual Center, at their offices located at 1600 Clifton Road NE., Atlanta, GA 30333. On February 7 the open meeting will continue at the Rodeway Inn, 1706 Clairmont Road, Decatur, GA 30033, from 8:30 to 9:30 a.m. for administrative reports. It will be closed to the public from 9:30 a.m. to 5 p.m. on February 7 and all day February 8, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The information officer, who will furnish summaries of both the open and closed meeting portions and a roster of committee members, is:

Mr. Robert B. Mehnert
Special Assistant to the Director for Communications Media
National Library of Medicine, Room M-122
8600 Rockville Pike
Bethesda, MD 20014
Telephone: 301-496-6308

The Executive Secretary from whom substantive information may be obtained is:

Mrs. Nina W. Matheson
Special Assistant to the Associate Director for Extramural Programs
National Library of Medicine, Room 1016
Federal Building
8600 Rockville Pike
Bethesda, MD 20014
Telephone: 301-496-4871

JOHN F. SHERMAN,
*Deputy Director,
National Institutes of Health.*

JANUARY 22, 1973.

[FR Doc.73-1790 Filed 1-30-73;8:45 am]

BLADDER-PROSTATE CANCER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Bladder-Prostate Cancer Advisory Committee, February 16-17, 1973, at the Crystal City Marriott Hotel, Arlington, Va. This meeting will be open to the public from 9 to 9:30 a.m., February 17, when Dr. Fridell will present an overview of the National Bladder Cancer Project, and closed to the public February 16 and from 9:30 a.m., February 17, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Thomas J. King, Westwood Building, Room 853, National Institutes of Health, Bethesda, Md. 20014 (301-496-7194) will provide substantive program information.

JOHN F. SHERMAN,
*Deputy Director,
National Institutes of Health.*

JANUARY 22, 1973.

[FR Doc.73-1802 Filed 1-30-73;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, NICHD, February 5-6, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9 to 10 a.m., February 5, for remarks by the Director and Scientific Director, NICHD, and closed to the public from 10:30 a.m. to 5 p.m., February 5 and 9 a.m. to 5 p.m. on February 6, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A-804B, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Charles U. Lowe, Scientific Director, NICHD, Building 31, Room 2A-50, National Institutes of Health, 496-5035.

JOHN F. SHERMAN,
*Deputy Director,
National Institutes of Health.*

JANUARY 22, 1973.

[FR Doc.73-1797 Filed 1-30-73;8:45 am]

CANCER RESEARCH CENTER REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the

Cancer Research Center Review Committee, February 9-10, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 8:30 to 9 a.m., at which time the Director, Division of Cancer Grants will discuss any new policy considerations involving the national cancer program, also information and guidelines for future support of cancer center programs will be discussed, and the meeting will be closed to the public from 9 a.m., February 9 until 5 p.m. February 10, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Arthur L. Schipper, Westwood Building, Room 820, National Institutes of Health, Bethesda, Md. 20014 (301-496-7721) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1801 Filed 1-30-73;8:45 am]

CANCER RESEARCH TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Research Training Committee, February 1-2, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 6, Bethesda, Md. This meeting will be open to the public from 8:30 to 9 a.m., February 1, when there will be introductions and indoctrination of new members and discussion of the structure, purpose and functions of the Committee. The meeting will be closed to the public from 9 a.m., February 1 to 5 p.m., February 2, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Kenneth Potter, Westwood Building, Room 848, National Institutes of Health, Bethesda, Md. 20014 (301-496-7565) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1800 Filed 1-30-73;8:45 am]

EPIDEMIOLOGY ADVISORY AND MEDICAL CARE AND MEDICAL ECONOMICS ADVISORY COMMITTEES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the joint meeting of

the Epidemiology Advisory Committee and the Medical Care and Medical Economics Advisory Committee, February 8, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public to discuss a number of reports on preliminary findings of the Third National Cancer Survey and discussion by committee members on analysis and presentation of survey data and possible additional studies. Attendance by the public will be limited to space available.

Mr. Frank Karel, NCI Information Officer, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911) will furnish summaries of the open meeting and roster of committee members.

Mr. Harvey Geller, Executive Secretary, Federal Building, Room 6C10A, National Institutes of Health, Bethesda, Md. 20014 (301-496-5251) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1799 Filed 1-30-73;8:45 am]

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee commencing at 9 a.m. on February 5 and 6, 1973, at the La Playa Hotel, Carmel, Calif. This meeting will be open to the public on February 5 from 9 to 9:30 a.m. for a general discussion regarding the chairman's report and a status report on program evaluation. The meeting will be closed to the public from 9:30 a.m. to 5 p.m. on February 5 and 9 a.m. to 5 p.m. on February 6, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of the meeting and roster of the Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 4B03, Bethesda, Md. 20014, 496-5545.

The Executive Secretary from whom substantive information may be obtained is Dr. William DeCesare, Building 31, Room 4B13, Bethesda, Md. 20014, 496-6595.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1803 Filed 1-30-73;8:45 am]

HEART AND LUNG PROGRAM—PROJECT COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the heart and lung program—project committee, February 2-3, 1973, at 8:30 a.m.,

National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 8:30 to 9:30 a.m., February 2, 1973, while administrative details are being discussed; and closed to the public from 10 a.m., February 2, 1973 until the adjournment on February 3, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, National Heart and Lung Institute, NIH Westwood Building, Room 5A18B, 496-7416, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Dr. Arthur W. Merrick, NHLI, NIH Westwood Building, Room 6A05, 496-7486.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1798 Filed 1-30-73;8:45 am]

MEDICAL DEVICES APPLICATIONS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Medical Devices Applications Committee, February 13, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m. The Committee will discuss (1) the role that devices, instrumentation and other technological applications of research can play in the diagnosis, monitoring and treatment of diseases of the heart, blood vessels, lung and blood; (2) the role that the Committee can play in achieving the goals of the National Heart and Lung Institute in these areas; and (3) other aspects of the activities of the Division of Technological Applications. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, Building 31, Room 4A10, National Institutes of Health, 496-4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Mr. Philip Janus, NHLI, Westwood Building, Room 6A16A, NIH, 496-7306.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1791 Filed 1-30-73;8:45 am]

MEDICAL EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Medical Education Review Committee, February 13-15, 1973, at 8:30 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 10. This

meeting will be open to the public from 8:30 to 9:30 a.m., February 13, to discuss the minutes, and other Committee business and closed to the public from 9:30 a.m. on February 13 to 5 p.m. on February 15, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The names, addresses, room numbers, and phone numbers of:

1. The Acting Executive Secretary who will furnish summaries of the meeting and rosters of committee members:

Dr. Robert Hendrickson
National Institutes of Health
Building 31, Room 4C-11
Area Code 301, 496-6801

2. The Acting Executive Secretary from whom substantive program information may be obtained:

Dr. Robert Hendrickson
National Institutes of Health
Building 31, Room 4C-11
Area Code 301, 496-6801

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1805 Filed 1-30-73;8:45 am]

MENTAL RETARDATION RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Mental Retardation Research and Training Committee, February 11-13, 1973, National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 8 p.m. to 10 p.m., February 11, to discuss items relative to the Committee's activities including announcements by the Associate Director for NICHD, the head of the Mental Retardation Branch, and the Executive Secretary of the Committee. The meeting will be closed to the public from 9 a.m. to 5 p.m., February 12-13, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A-804B, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Lyle Lloyd, Executive Secretary of the Committee, Room C-704A, Landow Building, National Institutes of Health, 496-1383.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1795 Filed 1-30-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the

National Advisory Council on Health Professions Education, February 7-9, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 5. This meeting will be open to the public from 8:30 a.m., February 7, to discuss status reports by program administrators and closed to the public from 11 a.m., February 7, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The name, address, room number, and phone number of the Executive Secretary who will furnish summaries of the open meetings, rosters of Council members, and substantive program information is:

Ms. Lynn Stevens, Division of Physician and Health Professions Education, National Institutes of Health, Building 31, Room 4C-06, Phone: 496-5354.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1793 Filed 1-30-73;8:45 am]

PERINATAL BIOLOGY AND INFANT MORTALITY RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Perinatal Biology and Infant Mortality Research and Training Committee, February 5-6, 1973, at 9 a.m. at the Woodmont East Conference Room of the Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD. This meeting will be open to the public from 9 a.m. to 11 a.m., February 5, to discuss Institute Training Efforts in Perinatal Biology and Medicine. The meeting will be closed to the public from 11 a.m. to 5 p.m. on February 5 and from 9 a.m. to 1 p.m. on February 6, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A-804B, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Mr. Jehu Hunter, Executive Secretary of the Committee, Room 2A-20, Building 31, National Institutes of Health, 496-1877.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1796 Filed 1-30-73;8:45 am]

THROMBOSIS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Thrombosis Advisory Committee, February 23, 1973, at 9 a.m., Lecture Room, Scott Hall of Basic Medical Science, Wayne State University, 540 East Can-

field Street, Detroit, MI. This meeting will be open to the public from 9 a.m. to 5 p.m., February 23, and attendance will be limited to space available. This will be a meeting of the Specialized Center of Research in Thrombosis which will feature a program on initiators of coagulation and inhibitors of coagulation. There will also be a short business meeting of the Thrombosis Advisory Committee at the conclusion.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Building 31, Room 4A10, 496-4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Dr. James M. Stengle, NHLI, NIH Building 31, Room 4A03, 496-5911.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73-1792 Filed 1-30-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Notice of Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2), Public Law 92-463, that the next meeting of the National Advisory Council on Education Professions Development will be held on February 1, 1973, 9 a.m. to 5 p.m., and February 2, 1973, 8:30 a.m. to 12 noon, local time, at the Dupont Plaza Hotel, Dupont Circle, NW., Washington, D.C.

The National Advisory Council on Education Professions Development is established under section 502 of the Education Professions Development Act (Public Law 90-35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda includes discussion of training of personnel in early childhood and vocational education; policies concerning evaluation of educational endeavors; and current status of educational personnel training programs. Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of Committee Management, located in Room 4158, F.O.B. 6, 400 Maryland Avenue SW., Washington, DC.

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

JOSEPH YOUNG,
Executive Director.

[FR Doc.73-1897 Filed 1-30-73;8:55 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-348A, 50-364A]

ALABAMA POWER CO.

Order Correcting Record and Giving Notice of Hearing Room Location

By motion dated December 21, 1972, the Department of Justice has moved to

correct the transcript of the prehearing conference held December 11, 1972, in the manner indicated in such motion. There was no opposition filed.

By order of this Board dated December 18, 1972, a third prehearing conference was scheduled for February 14, 1973, at an hour and location to be determined by further notice. Accordingly, it is ordered, That:

1. The motion of the Department of Justice to correct the prehearing transcript of December 11, 1972, is granted and corrections shall be made in accordance with § 2.750(b) of the rules of the Commission, said motion to constitute the appendix.

2. The prehearing conference scheduled by order of this Board dated December 18, 1972, shall be held at 9:30 a.m., February 14, 1973, at the U.S. Court of Claims, Courtroom No. 3, 717 Madison Place NW., Washington, DC 20005.

Issued at Washington, D.C., this 24th day of January 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-1813 Filed 1-30-73; 8:45 am]

[Dockets Nos. 50-369; 50-370]

DUKE POWER CO.

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

William C. Parler, Chairman.
Michael C. Farrar, Member.
Dr. Lawrence R. Quarles, Member.

Dated: January 24, 1973.

WILLIAM L. WOODARD,
Executive Secretary, Atomic
Safety and Licensing Appeal
Panel.

[FR Doc.73-1811 Filed 1-30-73; 8:45 am]

[Docket No. 50-269A, etc.]

DUKE POWER CO.

Notice and Order for Third Prehearing Conference

In the matter of Duke Power Co. (Oconee Units 1, 2, and 3; McGuire Units 1 and 2), Dockets Nos. 50-269A, 50-270A, 50-287A, 50-369A, 50-370A.

Take notice that the third prehearing conference in the above-captioned proceeding will be held commencing at 9:30 a.m., February 15, 1973, in the Lafayette Building, Veterans Administration, at 811 Vermont Avenue, Room 111, Washington, DC 20420.

Issued at Washington, D.C., this 24th day of January 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-1812 Filed 1-30-73; 8:45 am]

[Docket No. 50-411]

GULF OIL CORP.

Notice of Application for and Consideration of Issuance of Facility Export License

Please take notice that Gulf Oil Corp., San Diego, Calif., has submitted to the Atomic Energy Commission an application for a license to authorize the export of a pool-type research reactor to the Institute of Nuclear Technologies, Romanian State Committee for Nuclear Energy, Pietesti, Romania, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

On or before February 15, 1973, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to Gulf Oil Corp., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 19th day of January 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and
Materials, Directorate of Li-
censing.

[FR Doc.73-1783 Filed 1-30-73; 8:45 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice and Order for Prehearing Conference

JANUARY 23, 1973.

Take notice, that in accordance with our order of January 12, 1973, denying joint intervenors' motion for additional time on contentions, a prehearing conference will be held in the subject proceeding on March 9, 1973, at 10 a.m., local time, in Room 2010, Federal Office Building No. 7, 726 Jackson Place NW. (17th Street Entrance), Washington, DC 20506.

The primary purposes of the prehearing conference are:

1. To rule on any contentions which may be filed by joint intervenors on or before February 12, 1973, in accordance with the provisions of a stipulation executed by three of the parties on October 31, 1972;

2. To determine the extent or scope of the burdens of proof for each of the parties;

3. To fix firm dates for conclusion of the discovery process and the start of further evidentiary hearings; and

4. To take whatever other steps are necessary to expedite this proceeding.

Issued at Washington, D.C., this 23d day of January 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73-1784 Filed 1-30-73; 8:45 am]

[Docket No. 50-59]

TEXAS A. & M. UNIVERSITY

Notice of Issuance of Facility License Amendment

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on December 15, 1972 (37 FR 26749), the Atomic Energy Commission (the Commission) has issued Amendment No. 10 to Facility License No. R-23 to the Texas A. & M. University as proposed in that notice. The amendment authorizes the university to operate its modified AGN-201 nuclear reactor located on its campus in College Station, Tex., at increased power levels of up to 5 watts (thermal) (from

100 milliwatts) and redesignates the reactor as Model AGN-201M, in accordance with the university's application dated September 27, 1972.

The Commission has found that the application for the amendment to the facility license complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. The Commission has made the findings required by the Act and the Commission's regulations, which are set forth in the license amendment, and has concluded that the issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license amendment and safety evaluation dated December 13, 1972, are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 18th day of January 1973.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Operat-
ing Reactors, Directorate of
Licensing.

[FR Doc.73-1782 Filed 1-30-73;8:45 am]

[Docket No. 50-397]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Alan S. Rosenthal, Chairman.
Dr. John H. Buck, Member.
Michael C. Farrar, Member.

Dated: January 24, 1973.

WILLIAM L. WOODARD,
Executive Secretary, Atomic
Safety and Licensing Appeal
Panel.

[FR Doc.73-1810 Filed 1-30-73;8:45 am]

[Dockets Nos. 50-390, 50-391]

WATTS BAR NUCLEAR PLANT

Notice of Issuance of Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board dated December 19, 1972, the Deputy Director for Reactor Projects, Directorate of Licensing, has issued Construction Permits Nos. CPPR-91 and CPPR-92 to the Tennessee Valley Authority for construction

of two pressurized water nuclear reactors on the applicant's site in Rhea County, Tenn. The site is located on the west bank of the Tennessee River, approximately 50 miles northeast of Chattanooga. The proposed reactors, designated as the Watts Bar Nuclear Plant, Units 1 and 2, have a rated thermal output of 3,411 megawatts each.

Copies of the initial decision and construction permits are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Dayton Public Library, First Avenue, Dayton, Tenn. 37321. Copies of the construction permits 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.

Dated at Bethesda, Md., this 23d day of January 1973.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressur-
ized Water Reactors, Direc-
torate of Licensing.

[FR Doc.73-1869 Filed 1-30-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24812; Order 73-1-74]

AMERICAN AIRLINES, INC.

Order Denying Application for an Order To Show Cause and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January 1973.

On October 6, 1972, American Airlines, Inc. (American), filed an application to delete Douglas, Ariz., from its certificate of public convenience and necessity for route 4. In addition, American filed a motion requesting expeditious action on its application and, alternatively, requesting the Board to issue an order to show cause why its application in Docket 24812 should not be granted. American is presently authorized to suspend service temporarily at Douglas subject to a substitute service agreement with Cochise Airlines (Cochise).¹

Answers in opposition to American's application and motion were filed by the Cities of Douglas, Sierra Vista, Bisbee, the State of Arizona and Cochise County and the Bisbee-Douglas Airport Commission alleging, inter alia, that the Douglas area is entitled to a hearing on the matters raised by American's deletion application.

¹ By Order 70-8-113, dated Aug. 28, 1970, American's temporary suspension at Douglas was continued until July 1, 1973, unless sooner terminated by the Board. In addition, the Board approved an air taxi service replacement agreement in which Apache Airlines would provide a substitute service at Douglas for American. By order 71-9-111, dated Sept. 28, 1971, Cochise was substituted as the replacement carrier. The Cochise agreement will expire on Oct. 1, 1973. See Order 72-9-115, Sept. 29, 1972.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny American's request for a show cause order, and set for hearing American's application to delete Douglas. The community opposes American's application and we believe that under all the circumstances it is appropriate to consider on an evidentiary record all the matters raised by American's application.

Accordingly, it is ordered, That:

1. The motion of American Airlines, Inc., for an order to show cause, be and it hereby is denied;

2. The application of American Airlines, Inc., in Docket 24812, be and it hereby is set for hearing at a time and place to be hereafter designated; and

3. A copy of this order shall be served upon American Airlines, Inc., Cochise Airlines, the Mayors of the cities of Douglas, Bisbee, Sierra Vista, and Tucson, Ariz., Governor, State of Arizona, Arizona Corporation Commission, Arizona Department of Aeronautics, Douglas-Bisbee International Airport, Board of Supervisors of Cochise County, Bisbee-Douglas Airport Commission, and the U.S. Postal Service.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,
Secretary.

[FR Doc.73-1870 Filed 1-30-73;8:45 am]

[Docket No. 24488; Order 72-12-64]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Youth and Student Fares in Foreign Air Transportation

Correction

In FR Doc. 72-21824 appearing on page 28092 of the issue for Wednesday, December 20, 1972, in the 13th line of the 2d column, the figure "14" should read "24."

[Docket No. 24691]

SUPERIOR AIRWAYS LTD.

Postponement of Prehearing Conference and Hearing

In regard to Foreign Air Carrier Permit to engage in charter foreign air transportation between Canada and the United States.

Notice is hereby given that the prehearing conference now scheduled for January 30, 1973 (38 FR 1141, January 9, 1973), is hereby postponed to February 13, 1973, at 11 a.m. (local time) in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 12, 1973.

Dated at Washington, D.C., January 24, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.
[FR Doc.73-1871 Filed 1-30-73;8:45 am]

[Docket No. 24250]

SUPERIOR AIRWAYS LTD.

Postponement of Prehearing Conference and Hearing

In regard to Foreign Air Carrier Permit for casual, occasional, and infrequent operations with aircraft having a maximum gross takeoff weight of 12,500 pounds.

Notice is hereby given that the prehearing conference now scheduled for January 30, 1973 (33 FR 1141, Jan. 9, 1973), is hereby postponed to February 13, 1973, at 10 a.m. (local time) in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 12, 1973.

Dated at Washington, D.C., January 24, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.
[FR Doc.73-1872 Filed 1-30-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

FLORIDA STATE ADVISORY COMMITTEE Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida State Advisory Committee will convene at 7:30 p.m. on February 1, 1973, and at 9 a.m. on February 2, 1973, in the Manger Motor Inn at 200 Ashley Drive, Tampa, FL 33602. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to discuss Police-Minority Community Relations in Florida.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.73-1902 Filed 1-30-73;8:45 am]

MARYLAND STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights,

that a meeting of the Maryland State Advisory Committee will convene at 8 p.m. on February 1, 1973, in Room G-20, Social Security Administration Building, 6401 Security Boulevard, Woodlawn, MD 21235. This meeting shall be open to the public.

The purpose of this meeting shall be to receive a report of the Housing Task Force, discuss new projects to be undertaken by the Committee, and hold an election of committee officers.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 17, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.73-1903 Filed 1-30-73;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia State Advisory Committee will convene at 6 p.m. on February 7, 1973, in the Monroe Room of the John Marshall Hotel in Richmond, Va. 23213. This meeting shall be open to the public.

The purpose of this meeting shall be to continue with plans for a forthcoming open meeting on the process of selection of judges in the State of Virginia.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.73-1904 Filed 1-30-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE CONTROL ACT IMPLEMENTATION PLAN

Procedures; Plan for Solicitation of Public Comment

On January 9, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 1142) an Implementation Plan for the Pesticide Control Act of 1972. That document set forth the Agency's general plan for implementing the Act, informed the public as to the dates when the different sections became or become effective, and invited preliminary views as to form and content of the regulations. This notice is supplementary to the document published January 9, 1973. It explains in detail the procedures to be followed by the Agency in supplementing those major sections of the Act which become fully effective in from 1 to 4 years, and solicits comment from interested persons on specific questions and issues.

Notice is hereby given that the Environmental Protection Agency Task Force on Implementation of Public Law 92-516 (FEPACA), has designated six subgroups to consider in detail procedures for the implementation of sections 3, 4, 5, 7, 8, and 24 of the Act. The parent Task Force has outlined specific policy issues and questions to be considered by each subgroup. Initially, the responsibility of the subgroups is to suggest implementation procedures, and to make recommendations as to the content of regulations, to be promulgated later, within the times established by the legislation.

The subgroups are charged to explore the broadest possible range of opinion and interest. To that end, comments and suggestions from all interested parties are invited, on the issues outlined below, or on any other related questions. Comments should be directed to Lowell E. Miller, Chairman of EPA Task Force on Implementation of FEPACA, Office of Pesticides Programs, Environmental Protection Agency, Washington, D.C. 20460. Comments are requested as soon as possible, but on or before March 2, 1973.

Proposed regulations, when developed by the Task Force, will be published in the FEDERAL REGISTER, for public comment. However, the Environmental Protection Agency is seeking maximum input from interested parties before formal proposal of regulations.

A listing of the subgroups, their membership, and the issue areas suggested for consideration, follows:

I. SUBGROUP ON REGISTRATION OF PESTICIDES

Secs. 3, 24 (Regulations due within 2 years).

A. MEMBERSHIP

Harold Alford, Chairperson—Office of Pesticides Programs.

Henry S. Bussey—Office of Pesticides Programs—Registration Division.

Theodore Breton—Office of Planning and Evaluation.

Errett Deck—Consultant.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Procedures for registration of products under new FIFRA, including procedures covering subject matters of section 3(c)(1)-(3)(c)(6) and internal procedures for processing applications.

2. Procedure for reregistration and classification of products previously registered under 1947 FIFRA.

3. Procedures for registration of intrastate products.

4. Procedures for making registration data available under section 3(c)(2).

5. Procedures for identifying the costs involved in producing test data and identifying such other information as might be pertinent to determining "reasonable compensation" for the purpose of section 3(c)(1)(D), and the accounting procedures registrants must follow in order to identify the "compensation" for "producing the test data."

6. To what extent, if any, may States have "duplicative" registration programs? (Sec. 24)

7. Section 24(c)—State registration of pesticides to meet "special local needs."

(a) How broadly should we construe this section? What is meant by "special local needs?"

(b) What kind of a program should be established for certification of States? What standards for certification? What procedures for State registrations?

8. Section 23(a)—Cooperative Agreements. Does section 23(a) contemplate cooperative agreements with respect to State registration activities? (The answer to this question will depend upon interpretation of word "enforcement".) If so, what type of delegations should be made and cooperative agreements entered into?

II. SUBGROUP ON CLASSIFICATION OF PESTICIDES

Section 3—(Regulations due within 2 years).

A. MEMBERSHIP

William Preston, Chairperson—Office of Pesticides Programs—Criteria and Evaluation Division.

Homer Fairchild—Office of Pesticides Programs.

Farley Fischer—Office of Toxic Substances.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Criteria for classification of pesticides for "general use" or for "restricted use?" section 3(d)(1). The first classification division is between "general" and "restricted" use—what are the guidelines for this first classification?

2. What categories of "restricted use" pesticides should be established? section 3(d)(1)(C)

3. What special requirements should be made for the packaging and labeling of restricted use pesticides?

4. Advice to Subgroup No. 1 on classification under new FIFRA of previously registered products.

III. SUBGROUP ON USE OF RESTRICTED USE PESTICIDES; CERTIFIED APPLICATORS

Sections 4, 23—(Regulations due within 1 year).

A. MEMBERSHIP

James White, Chairperson—Office of Pesticides Programs—Operations Division.

Robert Evans—Office of Pesticides Programs—Operations Division.

Ivan Dodson—Region VIII.

W. Richard Hager—Office of Intergovernmental Relations.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. May there be Federal certification of applicators in the event a State plan is not submitted or approved? Should there be a Federal certification program? Does the Federal Government undertake to train State personnel if a State has no present capabilities or does not want to undertake to develop them?

2. What should be general standards prescribed by Administrator? Section 4(a) How broad should standards be? Applicability to Federal/State employees. Question of reciprocity.

3. Detailed procedures for submission, review, approval, or disapproval of State plans.

4. To what extent should EPA assist States in developing and administering State programs for training and certifications of applicators? Section 23(a)(2)

What would be acceptable facilities and capabilities for training? What categories of skills and experience need to be spelled out in the standards? What would be acceptable skills? Would State training fees be allowed?

How do we relate to present standards in those States which have them?

5. To what extent should EPA enter into contracts with Federal or State agencies for the purpose of encouraging the training of certified applicators (Section 23(b))? What kinds of assistance other than contracts will the Federal Government offer States? How are we going to handle requests for contracts assistance?

6. If no grant money is available in fiscal year 1974, how should EPA propose to assist States to implement cooperative enforcement programs?

7. What modification of the interagency agreement with USDA/ES needs to be entered into for informing farmers and others of accepted uses and other regulations? What is to be the Regional role? How do we insure uniformity of distribution of information through cooperative State Extension Service?

IV. SUBGROUP ON EXPERIMENTAL USE PERMITS

Sec. 5—(Regulations due within 1 year.)
A. Although experimental use permits are directly related to registration, it is believed that a separate subgroup should be established to give policy guidance and draft proposed regulations and standards under section 5.

MEMBERSHIP

Charles Smith, Chairperson—Office of Pesticides Programs—Registration Division.

David Bowen—Office of Pesticides Programs—Registration Division.

Pat Critchlow—Office of Pesticides Programs—Registration Division.

Sam Colamaria—Region I.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Draft proposed regulations for implementation of sections 5(a)–(e).

2. Propose standards for authorization of States to issue experimental use permits.

What should be scope of State experimental use permits program? What terms and conditions should Administrator prescribe with respect to authorizing States to conduct program? What should be the standards for State experimental use permits programs?

V. SUBGROUP ON REGISTRATION OF ESTABLISHMENTS

Section 7 (Regulations due within 1 year)

A. MEMBERSHIP

Suzanne Howe, Chairperson—Office of General Enforcement.

John Wicklund—Region VII.

Alvin Chock—Office of Pesticides Programs—Registration Division.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Procedures for registration of establishments, including—

(a) Approximation of the number of establishments to be registered.

(b) Revocation of registration.

(c) Time at which establishment registration number must be on label.

2. Development of a system for handling information submitted by producers, including definition of "current production."

3. Extent of State participation in establishment registration process and access to information submitted.

VI. SUBGROUP ON BOOKS AND RECORDS

Section 8 (Regulations due within 1 year).

A. MEMBERSHIP

Anthony Dellavechia, Chairperson—Office of General Enforcement.

Roy Clark—Region IV.

William Luneburg—Region I.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Scope of the information required to be maintained by producers, including records to be maintained by exporters.

2. Policy on inspecting books and records.

3. Extent of State involvement in the inspection of books and records, including a policy with respect to negotiating cooperative enforcement agreements with States.

Dated: January 24, 1973.

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

[FR Doc.73-1806 Filed 1-30-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19544]

PUBLIC COAST RADIOTELEGRAPH STATIONS

Partial Extension of Time for Comments

Order. In the matter of inquiry into problems of public coast radiotelegraph stations, Docket No. 19544.

1. By letter dated January 5, 1973, the Communications Workers of America (CWA) requests an extension of time for a period of 90 days from the presently scheduled January 25, 1973, deadline in which to file reply comments in the above-captioned inquiry.¹

2. Respondent alleges that it has not had sufficient time to complete its filing due to delays in the receipt of the comments of RCA Global Communications, Inc. and a copy of a 1970 cost allocation study cited in the ITT World Communications Inc. filing.

3. We cannot find that the Communications Workers of America has made a sufficient showing of good cause to justify the entire extension of time sought. However, we do believe that a partial grant of the CWA request is warranted.

4. Accordingly, it is ordered, Pursuant to § 0.303(c) of the Commission's rules pertaining to delegations of authority, that the request of Communications Workers of America is granted in part; and

(A) The time in which to file reply comments in Docket No. 19544 is extended until March 12, 1973; and

(B) Except to the extent granted above, the request of Communications Workers of America is denied.

Adopted: January 18, 1973.

Released: January 22, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[SEAL] JAMES E. BARR,
Chief, Safety and Special
Radio Services Bureau.

[FR Doc.73-1864 Filed 1-30-73;8:45 am]

¹ Notice of inquiry in this matter was published at 37 FR 15197 (July 28, 1972); extension of time for comments was published at 37 FR 18442 (Oct. 28, 1972).

[Dockets Nos. 19473, 19474]

**ROBERT COWAN WAGNER AND
SOUTHEAST ARKANSAS RADIO, INC.****Memorandum Opinion and Order
Enlarging Issues; Correction**

In regard applications of Robert Cowan Wagner, Pineville, La., Docket No. 19473, File No. BP-18465; Southeast Arkansas Radio, Inc., Dermott, Ark., Docket No. 19474, File No. BP-18476; for construction permits.

1. The first sentence in paragraph 9 of the Review Board's memorandum opinion and order, FCC 73R-3, released January 5, 1973, and published at page 1526 in the issue of Monday, January 15, 1973, is corrected to read as follows: "The Review Board will deny the requested issues relating to Southeast's staffing proposal and principals' business interests." The last sentence in said paragraph is corrected by striking the words "and the issue will be added on a comparative basis only" and the cases cited thereafter:

2. The ordering clause of said memorandum opinion and order is corrected by striking issue 2 therein.

Adopted: January 11, 1973.

Released: January 16, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1865 Filed 1-30-73;8:45 am]

**FEDERAL MARITIME COMMISSION
PACIFIC COAST AUSTRALASIAN TARIFF
BUREAU****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 20, 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:

Mr. A. H. Eber, Secretary, Pacific Coast Australasian Tariff Bureau, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 50-24 modifies Article IX of the Pacific Coast Australasian Tariff Bureau's (PCATB) basic agreement to reflect an increase of the non-returnable admission fee assessed new members from \$1,000 to \$5,000.

By order of the Federal Maritime Commission.

Dated: January 23, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1834 Filed 1-30-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-503]

AMERADA HESS CORP.**Notice of Application**

JANUARY 26, 1973.

Take notice that on January 22, 1973, Amerada Hess Corp. (Applicant), Post Office Box 2040, Tulsa, OK 74102, filed in Docket No. CI73-503 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the Leleux Field, Vermillion Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 121,600 Mcf of gas per month at 35 cents per Mcf at 15.025 p.s.i.a. for 1 year within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Com-

mission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1837 Filed 1-30-73;8:45 am]

[Docket No. CI73-502]

AMERICAN LIBERTY OIL CO.**Notice of Application**

JANUARY 26, 1973.

Take notice that on January 22, 1973, American Liberty Oil Co. (Applicant), 4100 First National Bank Building, Dallas, Tex. 75202, filed in Docket No. CI73-502 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from acreage in Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has commenced the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act and that it proposes to continue said sale for 10 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 5,000 Mcf of gas per day at 40.0 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1838 Filed 1-30-73;8:45 am]

[Docket No. E-7905]

ARIZONA PUBLIC SERVICE CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 24, 1973.

Take notice that Arizona Public Service Co. (Arizona) on June 7, 1972, tendered for filing proposed changes in its FPC Electric Rate Schedule No. 32, Supplement No. 5. The filing consists of the monthly billing adjustments from June 1971, through April 1972, under section VII of Service Schedule E to the Power Coordination Agreement dated December 31, 1962, between Arizona and Tucson Gas & Electric Co. The proposed rate changes would affect Arizona's jurisdictional revenues from a decrease of approximately \$130 to an increase of approximately \$14,126 per month during the period. Arizona requests that § 35.11 of the Commission's regulations be waived for this filing and that the monthly adjustments become effective at the beginning of their respective months.

Further, Arizona requests reconsideration of the Commission's letter order dated June 27, 1969, requiring monthly filing of adjustments under the Supplement.

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 February 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1847 Filed 1-30-73;8:45 am]

[Dockets Nos. G-8934, G-10008]

EL PASO NATURAL GAS CO.

Notice of Extension of Time

JANUARY 24, 1973.

On January 19, 1973, El Paso Natural Gas Co. filed a motion for extension of time to file evidence and for continuance of hearing date as established by the order issued January 9, 1973, in the above matter. The motion states that the Commission staff counsel has no objection to this motion.

Upon consideration, notice is hereby given that the time is extended to and including February 12, 1973, within which El Paso shall file its evidence. Accordingly, the hearing date is postponed to February 28, 1973, at 10 a.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1849 Filed 1-30-73;8:45 am]

[Docket No. CI73-490]

FOREST OIL CORP.

Notice of Application

JANUARY 23, 1973.

Take notice that on January 18, 1973, Forest Oil Corp. (Applicant), 1300 National Bank of Commerce Building, San Antonio, Tex. 78205, filed in Docket No. CI73-490 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Columbia Gas Transmission Corp. from the Block 314, Eugene Island Area, South Addition, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 150,000 Mcf of gas per month for 1 year at 35 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1788 Filed 1-30-73;8:45 am]

[Docket No. E-7977]

IOWA PUBLIC SERVICE CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 24, 1973.

Take notice that Iowa Public Service Co. (IPS) on January 15, 1973, tendered for filing proposed changes in its FPC Rate Schedule No. 13 in order to add a new service schedule entitled "Replacement Service". The proposed rate schedule supplement is described in the company's transmittal letter as follows:

Energy purchased under the Replacement Service Schedule is energy made available by the Bureau of Reclamation for specified amounts and periods of time as replacement power energy for retirement or temporary shutdown of fuel burning generating units of Iowa Public Service Co. The rate for such replacement service energy is an amount equal to 85 percent of the saving to Iowa Public Service Co. in the cost of fuel due to reduce operations in its generating stations, plus 50 percent of all other savings realized as the result of such purchase. The Bureau of Reclamation has similar schedules in effect with other utilities with whom it is interconnected. Iowa Public Service Co. has no comparable rate schedule.

It is estimated that Iowa Public Service Co. will purchase 3,000 MWH in January 1973; 3,000 in February, 1973; and 2,000 in the remaining months in 1973, under this schedule.

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 February 9, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-1846 Filed 1-30-73; 8:45 am]

[Dockets Nos. RP71-107 (Phase II),
RP72-127]

NORTHERN NATURAL GAS CO.

Notice of Filing of Proposed Stipulation and Agreement

JANUARY 24, 1973.

Take notice that on January 18, 1973, Northern Natural Gas Co. (Northern) filed a proposed stipulation and agreement in settlement of the proceedings in the above-styled dockets, with certain specific issues to be reserved for decision by the Administrative Law Judge.

On April 26, 1971, Northern filed revised tariff sheets providing increased rates of \$18,323,823 annually to its jurisdictional customers over the then pending Docket No. RP70-43 filed rates. By order issued August 3, 1971, the Commission approved a settlement which resulted in rates below those initially filed by Northern in Docket No. RP70-43. As a result of the August 3, 1971, order in Docket No. RP70-43, Northern filed substitute lower rates in the Docket No. RP71-107 proceeding. The difference in annual revenues between the Commission approved Docket No. RP70-43 settlement rates and the Docket No. RP71-107 substitute rates is \$22,758,944. Such last mentioned rates have been collected, subject to refund, since November 14, 1971. Subsequently, on May 19, 1972, Northern filed in Docket No. RP72-127 revised tariff sheets providing an increase in annual jurisdictional revenues of \$36,003,942 for jurisdictional zone sales above the revenues based on the Docket No. RP71-107 filed rates and additionally providing an increase of \$292,738 over the revenues at the then effective contract rates for jurisdictional field sales. The proposed Stipulation and Agreement provides a total increase of approximately \$38,732,000 in annual jurisdictional revenues, above the revenues based on the RP70-43 approved rates, for zone sales in both Dockets Nos. RP71-107 and RP72-127. No reduction would be made for jurisdictional field sales.

The proposed stipulation and agreement also provides, *inter alia*, for the inclusion of Alberta, Canada, and Montana gas prepayments and the related carrying charges and certain other gas acquisition projects in Northern's rate base; a provision for an annual rate adjustment to reflect changes in costs of research and development expendi-

tures; an increase in depreciation rates; provision for cost of service treatment for Northern's gas acquisition and exploration efforts in the Hugoton-Anadarko Area; the disposition of the demand charge and group billing issues; and, the reservation of certain interest capitalized issues for decision by the Administrative Law Judge and the Commission.

In addition, the issue raised by Northern's continued use of liberalized depreciation with normalization for accounting and rate purposes with respect to eligible pre-1970 property and post-1969 nonexpansion property is reserved in Docket Nos. RP71-107 (Phase II) and RP72-127 for further determination.

The proposed stipulation and agreement is on file with the Commission and is available for public inspection. Comments with respect to the proposed stipulation and agreement may be filed with the Commission on or before February 7, 1973. Any replies thereto may be filed on or before February 21, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-1850 Filed 1-30-73; 8:45 am]

[Docket No. RP73-63]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Establishing Date for Prehearing Conference and Granting Petitions To Intervene

JANUARY 22, 1973.

On September 17, 1972, Natural Gas Pipeline Company of America (Natural) filed in Docket No. RP73-63 for authorization pursuant to the provisions of section 16 of the Natural Gas Act and § 1.7 of the Commission's rules of practice and procedure to (1) price gas produced from leases acquired by Natural prior to October 7, 1969, at the applicable area rate for gas of comparable quality and vintage instead of the cost of service basis, (2) permit and require Natural to expend monies from a revolving exploration fund, and (3) authorize Natural to adjust the base average purchased gas cost under the Purchased Gas Adjustment Clause (PGA) in Natural's FPC Gas Tariff in order to reflect the change to area rates. Natural requests modification of its PGA provision by eliminating the words: "Cost of company-owned pipeline production from leases acquired after October 7, 1969", and substituting therefore: "company-owned production at area rates."

Notice of Natural's application in Docket No. RP73-63 was issued on December 1, 1972, and was published in the FEDERAL REGISTER on December 7, 1972 (37 FR 26059). December 11, 1972, was set as the last date to file protests or petitions to intervene in the proceeding. Timely petitions to intervene were filed by the following parties:

Associated Natural Gas Co.
Central Illinois Light Co.
Northern Illinois Gas Co.
North Shore Gas Co.
The Peoples Gas, Light & Coke Co.

Iowa-Illinois Gas & Electric Co., Mississippi River Transmission Corp., Illinois Power Co., and Northern Indiana Public Service Co. filed late petitions to intervene. No protest, objection or petition to intervene in opposition to the proposal was filed by any party.

We find that each of the above-named petitioners, including those who filed late, has sufficient interest in these proceedings to warrant intervention, and we shall grant the same.

Natural's estimated cost of produced gas, based on cost of service, for a period of 12 years is \$9,788,169 or 2.55 cents per Mcf. Natural estimates cost of produced gas at area rates of \$55,797,080, a difference of \$46,008,911 or 11.96 cents per Mcf. (It is noted that Natural's estimated area rates in the Hugoton-Anadarko Area at 14.5 cents per Mcf from July 1, 1973, to June 30, 1985, did not consider the expiration of the moratorium on July 1, 1977.) In estimating cost of service for the period July 1, 1973, to June 30, 1985, Natural used a Federal income tax rate of 48 percent, a 22 percent statutory depletion allowance, and a rate of return of 9.17 percent. Natural states that it will maintain appropriate accounts and file annual reports with the Commission describing the results of its financial transactions in the detail desired.

With respect to the "revolving exploration fund", Natural proposes a 12-year period for two reasons: (a) The ability of the existing wells to produce will be diminished at the close of this period; and (b) a definite termination date for authority in order to demonstrate clear compliance with the investment conditions to be attached to said authority. Natural states that any gas reserves found as a consequence from the revolving exploration fund will be dedicated to service for Natural's customers.

Natural states that separate and apart from the program it proposes herein, it will continue to devote substantial sums to exploratory efforts within and without the continental United States. Since 1968, Natural has made advance payments of approximately \$95 million under existing agreements. Also, Natural is involved in development of synthetic gas supplies calling for an additional \$10 million.¹ However, the gas reserves owned by or dedicated to Natural have declined from 14.9 Tcf as of December 31, 1969, to 12.5 Tcf as of December 31, 1971. Natural has curtailed firm deliveries by approximately 253 Bcf since June 1970.

In the proposal as filed Natural has failed to supply the information that the Commission needs to determine the amount of gas reserves that Natural will dedicate. Natural has expressed its proposed exploration fund in dollar amounts only, and makes no estimate of reserves to be found. Natural's filing does not contain a goal for reserves to be found; therefore, if the situation arises, there would be no basis for Natural to make

¹ Natural does not state the amount of money for exploration and development it is now spending.

refund credits to its purchasers for gas not found as a result of the exploratory effort. Additionally, we note that Natural proposes to add moneys to the revolving fund based on the net income after tax deductions from sales of gas from reserves discovered as a result of the exploration efforts. However, the amount to be added to the revolving fund is not expressed in terms of an amount certain per Mcf or barrel of oil. Natural avers that its proposal would provide a substantial continuing commitment of funds toward greater exploration and a more effective use of these funds than would be obtained through the imposition of a refund condition as we provided for in our Opinion No. 626 where we conditionally approved a proposal made by Panhandle Eastern Pipe Line Co. (Docket No. CP71-237, et al., 9/20/72).

We do not believe that Natural's proposal as filed can be approved, but that the issues herein should be set for formal hearing and a prehearing conference should be held in connection therewith. This order will so provide.

The Commission finds:

(1) It is necessary and in the public interest that the proceeding be set for hearing, and that a prehearing conference be held in connection with the issues presented herein.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act, a public hearing shall be held concerning the issues presented herein.

(B) In order to resolve the questions involved in this proceeding and to expedite the hearing provided for in ordering paragraph A, supra, a prehearing conference shall be held in accordance with § 1.18(c) of the rules of practice and procedure, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington DC 20426, commencing February 8, 1973, at 10 a.m., e.s.t.

(C) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall convene the prehearing conference in this proceeding.

(D) After convening the prehearing conference provided for herein, the Presiding Administrative Law Judge may recess the same to provide the parties an opportunity for the submission and consideration of facts, or stipulation of facts, at issue in this proceeding.

(E) The Administrative Law Judge may in his discretion grant recesses from time to time if he deems submission of the issues upon stipulated facts to be possible. If no stipulation can be reached

by the parties hereto, after reasonable time and provision has been made for the same, the procedural dates for service of prepared testimony and exhibits, and for hearings on the issues herein shall be fixed by the Administrative Law Judge.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1851 Filed 1-30-73;8:45 am]

[Docket No. E-7964]

NORTHERN STATES POWER CO.

Notice of Filing Initial Rate Schedule

JANUARY 24, 1973.

Take notice that Northern States Power Co. (Northern) on April 10, 1972, tendered for filing a proposed Participation Power Agreement between Northern and Minnesota Power & Light Co. (Minnesota). The proposed rate is described in the company's transmittal letter as follows:

Northern States Power Co. agrees to sell to Minnesota Power & Light Co. 15 mw. of power for the period May 1, 1972, through April 30, 1973, and 58 mw. of power for the period June 1, 1972, through May 31, 1973.

The transactions contained in the Agreement are dependent upon the Participation Power Agreement, dated February 23, 1972, by which Northern States agrees to purchase 115 mw. of Participation Power from Union Electric Co. for the period June 1, 1972, through April 30, 1973, filed with the Commission by Union Electric on March 10, 1972, and the Power Agreement, dated December 14, 1971, by which Northern States agrees to purchase 130 mw. of power from Union Electric Co. for the period June 1, 1972, through May 31, 1973, filed with the Commission by Union Electric on March 2, 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 31, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1845 Filed 1-30-73;8:45 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition of Missouri Public Service Co. for Extraordinary Relief

JANUARY 26, 1973.

Take notice that on January 17, 1973, Missouri Public Service Co. (M.P.S.) filed a petition with the Commission seeking extraordinary relief in the form of an

order temporarily modifying Panhandle Eastern Pipe Line Co.'s (Panhandle) operating provisions as specified in the interim curtailment plan heretofore approved by the Commission.¹

M.P.S. is a public utility company which purchases natural gas from Panhandle for resale in order to provide natural gas service to a number of communities in Missouri. The City of Marceline, Mo., is a community to which it sells gas on an interruptible basis for use in Marceline's small electric generating plant. M.P.S. provides Marceline's entire electric requirements. M.P.S. completely interrupted service to Marceline on November 14, 1972, and will not resume service until such time as sufficient gas supplies are available from Panhandle.

M.P.S. in its petition alleges that Marceline is a community of about 2,800 people and that its electric generating plant is isolated and that it has no interconnection with any other utility.

M.P.S. further alleges that the Marceline's electric power plant was basically constructed to utilize natural gas as a prime fuel; however, it has this winter due to the interruption of natural gas service utilized only fuel oil. The plant consumes approximately 3,500 gallons of fuel oil a day and Marceline is experiencing difficulty obtaining adequate fuel oil supplies to keep it in operation.²

Marceline has an allocation from its prime supplier of 200,000 gallons for that annual period between November 1, 1972, to October 31, 1973. By January 2, 1973, Marceline had already taken delivery of 140,000 of the aforementioned gallons, and expects to fully utilize the entire allocation from its principal supplier by January 25, 1973, including an allowance of 10 percent overrun. Marceline has further hopes of obtaining a small supplemental supply of approximately 30,000 gallons from other sources. However, Marceline will be forced to shut down in February unless it is able to acquire additional fuel oil or natural gas from other sources to serve its power plant.

M.P.S. in its petition notes that in addition to the obvious direct impact that such an electric shutdown will have on residential customers such other human needs customers as a local hospital, rest homes, public housing developments for senior citizens, schools and a number of businesses would be deprived of essential electric service. It also contends that without electric power, it would not be able to operate its water and sewage systems.

M.P.S. further contends that Marceline has contacted every local fuel oil distributor and several dealers in other States in an effort to obtain fuel oil to meet its requirements. Other than the 30,000 gallons of fuel oil previously noted herein its efforts have proven unsuccessful. Marceline has also contacted the Office of Emergency Preparedness and

¹ Order approving Panhandle's interim curtailment plan in this proceeding was issued on June 20, 1972.

² It has storage capacity for 34,000 gallons of fuel oil.

other Government agencies in order to seek help in its efforts to obtain additional supplies; however, these attempts have not as yet proven successful.

M.P.S. alleges that Marceline has undertaken reasonable steps to reduce fuel oil consumption, including the turning off of street lights and requesting that its citizens reduce the usage of electricity whenever possible. M.P.S. contends that even after taking such measures to conserve its fuel oil Marceline will be required to terminate electric service to its citizens unless additional fuel oil or natural gas can be obtained.

Marceline has requested M.P.S. to supply it with the natural gas needed to run its electric plant from the allotment of gas that it receives from Panhandle. M.P.S. in its petition pointed out that it is unable to accede to this request unless additional supplies of natural gas are made available to it by Panhandle. It contends that if it were to undertake to deliver the volumes of gas required by Marceline to operate its powerplant from its existing allotment from Panhandle, it would be required to reduce service to its firm customers, including high priority residential and small commercial consumers.

M.P.S., in order to meet Marceline's requirements, would require an average of 400 Mcf per day of natural gas from Panhandle over and above the allocation to it under the interim curtailment plan. Marceline evidently will seek an intertie with another electric utility which hopefully would make any similar requests unnecessary in the future. In the light of the aforementioned facts M.P.S. requests that the Commission issue an order requiring Panhandle to deliver to M.P.S., without penalty, an additional 400 Mcf per day over and above the curtailment volume allotted to it by Panhandle in order to deliver the needed volumes to the city of Marceline. It requests that such volumes be made available to meet Marceline's powerplant requirements until that city is either able to obtain sufficient fuel oil supplies or can interconnect its electric system with another power company which can assure it firm and reliable electric service.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate

as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5, 15, and 16 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein or if the Commission on its own review of the matter finds that a grant of the request is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1836 Filed 1-30-73;8:45 am]

[Docket No. E-7968]

PUBLIC SERVICE COMPANY OF INDIANA
Notice of Cancellation and Replacement of
Service Agreement

JANUARY 24, 1973.

Take notice that Public Service Company of Indiana (PSI) on October 26, 1971, tendered for filing copies of a service agreement dated May 17, 1971, between the town of Rockville, Ind., and PSI. PSI stated that this new agreement is to cancel and to replace the service agreement between the town of Rockville and PSI, dated June 4, 1968; such agreement was filed with and approved by the Federal Power Commission under Public Service Company of Indiana, Inc., FPC Electric Tariff—Original Volume No. 1.

PSI stated that above-described agreement provides, as shown on Revised Exhibit A, that the town of Rockville will be served and metered at two delivery points, the second delivery point being the substation location at which the company serves Parke County Rural Electric Membership Corp.

PSI requested that the Commission waive compliance with the notice requirements of § 35.3 of the Commission's regulations and permit this filing to become effective on September 2, 1971, the date on which service commenced under the above-described agreement.

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 February 5, 1973. Protests will be considered by the Commission in determin-

ing 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.73-1848 Filed 1-30-73;8:45 am]

[Dockets Nos. R173-191, R173-193]

GRAMPIAN CO., LTD., ET AL.

Order Providing for Hearing and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

JANUARY 23, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. D), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

*Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
R173-191..	Gramplan Co., Ltd.....	4	12	Transcontinental Gas Pipe Line Corp. (La Gloria Area, Jim Wells and Brooks Counties, Tex. R.R. District No. 4).	\$5,830	12-29-72		1-30-73	19.0	\$ 24.0	
R173-592..	Ruth Phillips Bisker.....	4	11	do	17,715	12-29-72		1-30-73	19.0	\$ 24.0	

Not used.

*The pressure base is 14.65 p.s.i.a.

† Increase to "new" gas rate.

The question presented here with respect to Gramplan Co., Ltd., and Ruth Phillips Bisker's unilateral increases filed after the expiration of their contracts is whether the subject gas is entitled to the flowing gas rate of 19 cents or the new gas rate of 24 cents established in Opinion No. 595, Docket Nos. AR64-2, et al., issued May 6, 1971.

Gramplan and Bisker contend that the gas being delivered to Transco is that portion of reserves in excess of that which the were required to maintain by the expired contracts and should therefore be considered "new" gas within the terms of Opinion No. 595. The proposed increases should be suspended for 1 day from the expiration of the statutory notice period, pending determination as to whether the gas involved herein is entitled to the new or old gas price.

The producers' proposed increased rates and charges may exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.73-1720 Filed 1-30-73;8:45 am]

[Docket Nos. R173-185, etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

JANUARY 18, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regula-

¹ Does not consolidate for hearing or dispose of the several matters herein.

tions pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
R173-185..	Skelly Oil Co.....	136	10	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.).	\$467	12-21-72		6-21-73	\$ 21.33	\$ 22.0	R173-12.
R173-186..	Cities Service Oil Co.....	382	5	El Paso Natural Gas Co. (Washington Ranch Field, Eddy County, N. Mex.) (Permian Basin).	10,500	12-21-72		6-21-73	\$ 30.03	\$ 30.65	R173-49. R173-76.
do	do			do		12-29-72		6-26-73	\$ 30.03	\$ 30.65	R173-49. R173-76.
R173-187..	Atlantic Richfield Co.....	408	7	El Paso Natural Gas Co. (Vinegarone Field, Val Verde County, Tex., R.R. District No. 1).		12-29-72		Accepted			
do	do		8	do	33,958	12-29-72		3-1-73	15.5581	21.0	
R173-188..	Union Texas Petroleum a division of Allied Chemical Corp.	49	15	El Paso Natural Gas Co. (Crosby Deep Field, Lea County, N. Mex.) (Permian Basin).	\$4,418	12-26-72		6-26-73	27.0	\$ 31.7149	
R173-189..	Phillips Petroleum Co.....	509	1	El Paso Natural Gas Co. (South Carlsbad Field, Eddy County, N. Mex.) (Permian Basin).	425,040	12-29-72		6-29-73	27.0	\$ 35.0	
R173-190..	Suburban Propane Gas Corp.	25	10	Northern Natural Gas Co. (Ozona Field, Crockett County Tex.) (Permian Basin).	4,366	12-27-72		2-27-73	\$ 14.5619	17.5656	

¹ Increase from a fractured rate to the contractually authorized rate.
² Effective date for acreage covered by Supplement No. 7 which was dated subsequent to Oct. 1, 1968.

³ Includes quality adjustment.

⁴ Applicable to all production except that covered under Supplement No. 3.

⁵ Applicable to production covered under Supplement No. 3. (5 months from date last filed rate becomes ESR.)

⁶ Applicable to production from Number 1 Crosby Deep Well only (Fusselman Formation) pursuant to Supplements No. 16.

⁷ Applicable only to production under Supplement Nos. 2 and 5.

⁸ ESR in Docket No. R170-1779 insofar as it pertains to production under Supplement No. 5.

⁹ Redetermines rate provisions.

¹⁰ Accepted for filing to be effective on the date shown in the "Effective Date" column.

¹¹ The pressure base is 15.025 p.s.i.a.

¹² Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

The proposed increases of Skelly Oil Co. (insofar as it pertains to production from acreage dedicated prior to October 1, 1968), Union Texas Petroleum, a Division of Allied Chemical Corp., Cities Service Oil Co., and Phillips Petroleum Co., exceed the rate limit for a 1-day suspension and, therefore, are suspended for 5 months.

The other proposed rates involved do not exceed the corresponding rate filing limitation imposed in Southern Louisiana and therefore are suspended for 1 day from the expiration of 60 days' notice or from the proposed effective date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.73-1721 Filed 1-30-73;8:45 am]

FEDERAL RESERVE SYSTEM CENTRAL MORTGAGE CO., INC.

Acquisition of Banks and Merger of a Bank Holding Company

Central Mortgage Co., Inc., Springfield, Mo., has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 50 percent or more of the voting shares of (1) Farmers State Bank of Stover, Stover, Mo., and (2) Jackson County State Bank, Kansas City, Mo. Applicant has also applied for the Board's approval under section 3(a) (5) of the Bank Holding Company Act (12 U.S.C. 1842(a) (5)) to merge with Harmon Oil Co., Inc., Warrensburg, Mo., a registered one-bank holding company, and thereby to acquire 50.225 percent of the voting shares of Barton County State Bank, Lamar, Mo., and 4.9 percent of the voting shares of Jackson County State Bank, Kansas City, Mo. Applicant presently owns 4.9 percent of the voting shares of Jackson County State Bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Central Mortgage Co., Inc., is also engaged in the following nonbank activities: (1) Mortgage company operations; (2) insurance agency activities in conjunction with the mortgage company operations; and (3) certain farming activities. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's non-bank activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

In its applications, Central Mortgage Co., Inc., states its intention to separately incorporate its farming activities referred to above and to spin off the shares of the farming enterprise to its present shareholders prior to the proposed section 3(a) (3) acquisitions. In connection with its stated intention, applicant has requested a determination under section 2(g) (3) of the Bank Holding Company Act (12 U.S.C. 1841(g) (3)) that it will not in fact be capable of controlling the farming corporation by virtue of applicant and that corporation having a common director. A separate notice with respect to the requested section 2(g) (3) determination will be published.

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 19, 1973.

Board of Governors of the Federal Reserve System, January 22, 1973.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1873 Filed 1-30-73;8:45 am]

FIRST FLORIDA BANCORPORATION Order Approving Acquisition of Bank

First Florida Bancorporation, Tampa, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire 90 percent or more of the voting shares of Ormond Beach First National Bank, Ormond Beach, Fla. (Bank).

Notice of the application affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest banking organization and bank holding company in Florida on the basis of commercial bank deposits, controls 25 banks with aggregate deposits of \$514 million, representing 3.2 percent of total deposits held by all banks in the State. (All banking data are as of December 31, 1971, adjusted to reflect bank holding company formations and acquisitions approved by the Board through November 30, 1972.) Approval of this proposal to acquire Bank (\$39.4 million in deposits) would increase applicant's control of commercial bank deposits in Florida by 0.2 percentage point, and applicant's rank as the State's seventh largest banking organization would not change.

Bank is the third largest of 13 banks operating in the Daytona Beach banking market, which includes the coastal area of Volusia County extending from Ormond Beach southward to New Smyrna Beach and westward to encompass all of Daytona Beach, and controls 15.5 percent of the market's total deposits. As of December 31, 1969, Bank controlled 17.7 percent of market deposits. Also competing with Bank are banking subsidiaries of the second, third, fourth, and fifth largest bank holding companies in the State, which control about 64.3 percent of market deposits. Consummation of this proposal would represent applicant's initial entry into the market and would result in increased competition in the area since it would eliminate the present affiliation between Bank and Volusia County National Bank, a potential competing bank. In addition, Bank under

applicant's control would be in a better position to compete with the banking offices of the four bank holding companies in the market. Applicant's closest subsidiary banking office is located 55 miles southwest of Bank, and no significant existing competition would be eliminated by consummation of the proposal, nor does it appear that meaningful potential competition would be foreclosed because of Florida's restrictive branching laws and the distances involved. Furthermore, it does not appear likely that applicant will enter the market de novo as the Daytona Beach market appears to be well served with population and deposits per bank substantially less than the State averages. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources of applicant are generally satisfactory and prospects for the group appear favorable. Applicant proposes to improve the present financial and managerial conditions of Bank by providing additional capital to Bank and by furnishing such managerial assistance as Bank requires. Accordingly, banking factors lend weight to approval of the application. Major banking needs of the relevant area are presently being served, and no new services are proposed by applicant. However, applicant proposes to strengthen Bank's competitive position by enabling Bank to improve its existing services. Considerations relating to the convenience and needs of the area to be served are therefore consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before February 22, 1973 or (b) later than April 23, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,
effective January 23, 1973.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1875 Filed 1-30-73;8:45 am]

FIRST RAILROAD & BANKING COMPANY OF GEORGIA

Determination Regarding "Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, *inter alia*, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of \$60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of First Railroad & Banking Company of Georgia, Augusta, Ga., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414 and 25204). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. First Railroad & Banking Company of Georgia, Augusta, Ga. (Registrant), became a bank holding company on December 31, 1970, as a result of the 1970 amendments to the Act, by virtue of Registrant's ownership of more than 99 percent of the outstanding voting shares of Georgia Railroad Bank & Trust Company, Augusta, Ga. (Bank) (assets of \$192 million, as of December 31, 1970). Registrant was organized in 1953 to acquire Georgia Railroad & Banking Company, Augusta, Ga. (Georgia Railroad) and, upon acquisition of Georgia Railroad in 1954, gained control of Bank, almost all of whose shares were owned by Georgia Railroad. Bank had total deposits of about \$186 million (as of June 30, 1972), representing about 2 percent of total deposits in commercial banks in Georgia. Based on deposits within the Augusta market as of June 30, 1972, Bank is the largest banking institution in the market with about 44 percent of deposits there. Bank's management, financial condition, and prospects appear to be satisfactory and the Board has found no evidence of any unsound banking practices.

Registrant (consolidated assets of about \$217 million as of December 31,

1971) engages directly in acquiring, and holding for development, property contiguous to its railroad yards in Augusta and has been engaged in this activity continuously since before June 30, 1968. In addition, Registrant has three nonbanking subsidiaries, which are engaged in nonbanking activities that appear eligible for grandfather benefits, namely, Georgia Railroad, First Georgia Development Corporation, Atlanta, Ga. (Development Corporation), and First Georgia Building Corporation, Augusta, Ga. (Building Corporation).

Georgia Railroad (incorporated in 1833) conducted both a banking and railroad business until 1881 when the railroad properties, together with controlling stock interests in two railroads, were leased. Thereupon, Georgia Railroad became a nonoperating carrier with a banking division which in 1892 was incorporated as Bank. Continuously since 1881, Georgia Railroad has been a nonoperating carrier and lessor of the properties and securities which it owns. Development Corporation (80 percent of voting shares of which are held by Registrant) was formed in 1964 to develop the real property of Georgia Railroad that was no longer required for railroad purposes. The real estate activities of Registrant and its subsidiaries have been confined to acquiring and holding for development property contiguous to its railroad yards in Augusta, to owning and leasing railroad property, and to promoting development (as distinguished from engaging in development) of its property no longer required for railroad purposes. Building Corporation (a wholly owned subsidiary of Registrant formed in 1966) provides service personnel for Bank's buildings. The activities of Building Corporation appear to be exempt under the provisions of section 4(c)(1) of the Bank Holding Company Act and, on that basis, no grandfather privileges under the proviso in section 4(a)(2) of the Act are needed to enable Registrant to continue such activities.

In addition, Registrant has minority interests entitled to grandfather benefits in three other corporations: CSRA Capital Corp., Augusta, Ga. (acquired in 1962); Strawberry Hill, Inc., Augusta, Ga. (acquired in May 1968); and State Real Estate Investment Trust, Greenwood, S.C. (acquired in 1964). CSRA Corp. is a small business investment company (11.9 percent of whose shares are owned by Bank) and Registrant's investment appears to be exempt under the provisions of section 4(c)(5) of the Act and § 225.4(c) of Regulation Y, and, on that basis, no grandfather privileges are needed to enable Registrant to continue such investment. Strawberry Hill, Inc. (about 14 percent of which was acquired by Registrant in May 1968), was formed as a community project to develop a tract of land adjacent to Fort Gordon, Ga., to provide adequate housing for military personnel. When the project is completed, Strawberry Hill Corp. is expected to be dissolved. Finally, through Georgia Railroad, Registrant holds about 13 per-

cent of shares of State Real Estate Investment Trust, a small, closely held real estate investment trust. Neither Georgia Railroad nor Registrant has any role in the management of the Trust and the shares are held solely as an investment. There appears to be no reason to require Registrant to terminate its investments in Strawberry Hill or in State Real Estate Investment Trust.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its subsidiaries, do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest, nor unsound banking practices.

There appears to be no reason to require Registrant to terminate its grandfathered interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination. Nor is this determination authority for Registrant to engage in land development, or to engage in the general real estate business, or to acquire additional shares of any company if the Registrant's holdings in said company will exceed 5 percent of the outstanding voting shares of such company.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party may be consummated without prior approval of the Board. Further, the provision of any credit, properly, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review by the Board of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any

of its nonbanking subsidiaries or of Registrant's grandfathered investments as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,¹ effective January 22, 1973.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc. 73-1787 Filed 1-30-73; 8:45 am]

MEMPHIS TRUST CO.

Determination Regarding "Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, *inter alia*, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of \$60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of Memphis Trust Co., Memphis, Tenn., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414 and 25204). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. Memphis Trust Co., Memphis, Tenn. (Registrant) became a bank holding company on De-

cember 31, 1970, as a result of the 1970 Amendments to the Act, by virtue of Registrant's ownership of 100 percent of the outstanding voting shares of Memphis Bank & Trust Co., Memphis, Tenn. (Bank) (assets of approximately \$62 million, as of Dec. 31, 1970). Registrant's total consolidated assets amounted to less than \$85 million on December 31, 1971. Registrant also owns 22 percent of the voting shares of Farmers and Merchants Bank, Bruce, Miss. and 24.8 percent of the First National Bank, Southaven, Miss.¹ Bank, control of which was acquired by Registrant in February 1952. had total deposits of approximately \$68 million as of December 31, 1971, representing about 3 percent of the total deposits in the seven commercial banks in Memphis. Each of five of said seven banks is affiliated with a bank holding company. Bank ranks fourth among the 14 banking organizations in the Memphis banking market. Bank's management, financial condition, and prospects are regarded as generally satisfactory.

Registrant was engaged on June 30, 1968, and has been engaged continuously thereafter, in the following activities: the acquisition and leasing of real property for use by the holding company and its subsidiaries, the sale of commercial paper to finance holding company operations, the investment of 5 percent or less in the shares of various corporations, the operation of an industrial loan company, the financing of dealer inventories, buying installment notes from businesses, extending short-term credit to businesses, making first and second mortgage real estate loans, and leasing personal property. Income from all these sources amounts to about 7 percent of Registrant's total operating income. In addition, Registrant has four nonbanking subsidiaries,² namely, Memphis Trust Insurance Agency, Memphis, Tenn. (assets of \$100,000),³ acquired in 1960, Memphis Bank Building Corp., Memphis, Tenn. (assets of about \$2 million), acquired in 1960, Central Guardian Life Insurance

¹An interlock of directors between this bank and Registrant as well as an interlock of directors between Registrant and Financial Development Co., a registered bank holding company owning more than 50 percent of the shares of the Southaven Bank, is being reviewed by the Board. Registrant contends that it owns no shares of Financial Development Co. and that the company is in no way subject to control or a controlling influence by Registrant. Registrant disclaims control of each of the banks in which Registrant owns a minority interest.

²During 1971, two of Registrant's nonbanking subsidiaries, namely, Alabama Industrial Bank, Birmingham, Ala. (acquired in 1967), and Guardian Discount Co., Columbus, Ga. (acquired in 1957), were merged with a third nonbanking subsidiary, Trust Company of Tennessee, Memphis, Tenn., which company in turn merged with Memphis Trust Co. As a result of these transactions, a substantial portion of the consumer loan and finance business previously conducted by the merged companies was liquidated and the remaining activities are direct activities of Registrant.

³Asset figures for Registrant's subsidiaries are as of Dec. 31, 1971.

Co., Memphis, Tenn. (assets of less than \$2 million), acquired in 1960, and Guardian Data Service & Supply Co., Memphis, Tenn. (assets of \$200,000), acquired in 1966. Through its subsidiaries, Registrant engages in writing all forms of life insurance, operation of a general insurance agency and brokerage business, providing bookkeeping and accounting services, selling, leasing, and distributing office furniture and equipment, providing data processing and printing services, holding real estate for present and future banking locations, and providing maintenance and construction services for the Registrant and its subsidiaries.

To the extent that Registrant engages in activities to serve the holding company or its subsidiaries such as the purchase of property for use by the Registrant or its subsidiaries or the selling of commercial paper to provide financing for the holding company system, such activities appear to warrant an exemption under section 4(c)(1)(C) of the Act.⁴ Bank wholly owns Memphis Bank Building Corp., which holds real estate and provides maintenance and construction services for the holding company. This activity appears to be entitled to a section 4(c)(1)(C) exemption. The investment in shares of a company to a level of 5 percent or less is also exempt under the Act.⁵

The remaining direct nonbanking activities of Registrant appear to be limited in scope. As indicated earlier, Registrant's income from all its direct activities accounts for about 7 percent of Registrant's total income which, for the year 1971, was reported to be \$814,000.

Applicant claims that the major portion of insurance written and placed by its subsidiaries engaged in insurance activities is through, or in connection with, the other activities of the holding company or its subsidiaries. Approximately 250 insurance companies and 150 insurance agencies have offices in the Memphis area. Registrant's subsidiary that is engaged in selling and leasing office supplies and furniture and providing data processing and printing services competes with more than 40 data processing firms, 50 office supply and equipment companies and 125 printing firms serving the Memphis area.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest nor unsound banking practices.

⁴Section 4(c)(1)(C) of the Act enables a holding company to acquire (without Board approval) "(1) shares of any company engaged . . . solely in . . . (C) furnishing services to or performing services for such bank holding company or its banking subsidiaries; . . ."

⁵Section 4(c)(6) enables a holding company to acquire (without Board approval) "shares of any company which do not include more than 5 percent of the outstanding voting shares of any company."

¹Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

There appears to be no reason to require Registrant to terminate its grandfathered interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination. Nor is this determination authority for Registrant to acquire additional shares in any company if the Registrant's holdings in said company will exceed 5 percent of the outstanding shares of such company.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service, by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review by the Board of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors, effective January 23, 1973.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc. 73-1874 Filed 1-30-73; 8:45 am]

* Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Bucher. Absent and not voting: Governor Sheehan.

PAN AMERICAN BANCSHARES, INC.

Proposed Acquisition of Atico Financial Corp.

Pan American Bancshares, Inc., Miami, Fla., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Atico Financial Corp., Miami, Fla. Notice of the application was published on November 15, 1972, in the Miami Review and Daily Record, a newspaper circulated in Miami, Fla.

In addition to foreign activities which are subject to Board approval under section 4(c)(13) of the Bank Holding Company Act (12 U.S.C. 1843(c)(13)) in accordance with the procedures set forth in § 225.4(f) of Regulation Y, applicant states that the proposed subsidiary and its subsidiaries would engage in the activity of acting as investment adviser to Atico Mortgage Investments, a publicly owned real estate investment trust. Such activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). In addition, applicant states that the proposed subsidiary and its subsidiaries would engage in the activity of inspecting the progress of real estate construction projects and disbursing progress payments principally in connection with loans originated or serviced by bank or nonbank subsidiaries of applicant. Such activity may be permissible for bank holding companies pursuant to section 4(c)(1)(C) of the Bank Holding Company Act (12 U.S.C. 18(c)(1)(C)) or § 225.4(a) of Regulation Y, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Applicant further states that the proposed subsidiary and its subsidiaries would engage in the activity of acting as insurance agent as permissible under § 225.4(a)(9)(i), (ii) of Regulation Y. Among the types of insurance the proposed subsidiary would sell are (a) insurance for applicant and its subsidiaries, and (b) the issuance of homeowner's coverage in connection with real estate mortgage loans made through Atico Mortgage Corp., a mortgage banking company wholly owned by a subsidiary of applicant. Under certain circumstances specified in the Board's interpretation (12 CFR 225.128) of § 225.4(a)(9) of Regulation Y, such activities may be permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competi-

tion, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 19, 1973.

Board of Governors of the Federal Reserve System, January 22, 1973.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc. 73-1786 Filed 1-30-73; 8:45 am]

PATAGONIA CORP.

Proposed Acquisition of Western American Mortgage Co. and Western American Insurance Agency

Patagonia Corp., Tucson, Ariz., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire all of the voting shares of Western American Mortgage Co. and Western American Insurance Agency, both in Phoenix, Ariz. Notice of the applications was published on November 18, 1972, in The Arizona Republic and The Tucson Daily Citizen, newspapers circulated, respectively, in Phoenix and Tucson, Ariz.

Applicant states that the proposed subsidiaries would engage in the following activities: Western American Mortgage Co. would engage in originating residential mortgages and mortgages on commercial real estate for sale to permanent investors; servicing of mortgages for permanent investors; and interim lending for land development and construction financing where the loan will be sold to a permanent investor. Western American Insurance Agency would engage in the sale of fire and casualty insurance on the improvements covered by loans originated by Western American Mortgage Co. and of credit life and health and accident insurance to those mortgagors to the extent of the balance of the credit extended; sale of insurance to Western American Mortgage Co., its subsidiaries and employees; and sale of insurance sold as a matter of convenience to the purchaser. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the

public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 19, 1973.

Board of Governors of the Federal Reserve System, January 22, 1973.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1785 Filed 1-30-73; 8:45 am]

REDWOOD BANCORP

Order Approving Acquisition of National Mortgage Co.

Redwood Bancorp, San Rafael, Calif., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of National Mortgage Co., Salt Lake City, Utah, a company that engages in the activity of mortgage banking and acting as agent for the sale of credit life, accident and health insurance and property insurance directly related to extensions of credit. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 25257). The time for filing comments and views has expired and none has been timely received.

Applicant was incorporated in 1972 for the purpose of acquiring Redwood Bank (deposits of \$48.6 million)¹, San Rafael, Calif. Applicant now owns all the outstanding shares of Redwood Bank (Bank), with the exception of the directors' qualifying shares. Bank operates five offices in the San Francisco Bay area and ranks fifth among the 10 banks serving Marin County, its principal market, where it holds 7.6 percent of the total commercial deposits. Its share of State-wide deposits amounts to but 0.1 percent. Bank is engaged in mortgage lending throughout the nine counties of the San Francisco Bay area, where it competes with a large number of lenders. In the

first 9 months of 1972, Bank originated approximately \$11.7 million in mortgage loans, or 0.2 percent of the total mortgage recordings in the bay area counties. As of September 29, 1972, Bank's outstanding mortgage loans approximated \$9.7 million, of which \$722,000 were held for resale to institutional investors.

National Mortgage Co. (Company) is a small family-owned business engaged in the origination and servicing of mortgage loans through offices located in Salt Lake City, Utah; Tucson, Ariz.; and Idaho Falls, Idaho. During its most recent fiscal year, Company's Tucson office originated \$10.1 million in mortgage loans, while its Salt Lake office originated \$2.1 million. Company's Idaho Falls office services mortgage loans but has not originated any new loans in the past 3 years. Company is not a major competitor in any of the mortgage loan markets in which it competes. It ranks twentieth among mortgage lenders in both the Salt Lake City and Pima County, Ariz., markets.

Since Applicant and Company do not compete in the same mortgage loan markets, the proposed acquisition would eliminate no direct competition. Moreover, the two institutions are not likely to compete in the future due to their small size and the intervening distances. The Board therefore concludes that consummation of the proposed acquisition would have no adverse effects on mortgage lending in any of the local markets. Due to the limited nature of its insurance activities, it does not appear that Company's engagement in such activities would have any significant effect on either existing or potential competition.

It is anticipated that the proposed acquisition would enable Applicant to provide capital and managerial skill to Company which would expand Company's range of services and also permit it to compete for significantly larger mortgage loans. The Board concludes that these public benefits are a positive factor in terms of public needs and convenience.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(a) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,² effective January 18, 1973.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1876 Filed 1-30-73; 8:45 am]

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

SOUTHEASTERN BANCORP, INC.

Formation of One-Bank Holding Company

Southeastern Bancorp, Inc., New Bedford, Mass., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of Southeastern Bank and Trust Co., New Bedford, Mass. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 12, 1973.

Board of Governors of the Federal Reserve System, January 23, 1973.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-1877 Filed 1-30-73; 8:45 am]

FEDERAL TRADE COMMISSION

[Doc. F 3-71]

CHILDREN'S SLEEPWEAR

Policy and Interpretation Relative to Items in Inventory or as to Recordkeeping Requirements

The Standard for the Flammability of Children's Sleepwear (Doc FF 3-71) was published in the FEDERAL REGISTER on July 29, 1971, at 36 FR 14062 et seq. The Notice of Standard provided at 36 FR 14063 that "Items in inventory or with the trade on the effective date of the Standard are exempt. All concerned parties shall be required to maintain records that these items offered for sale after the effective date of the Standard are eligible for the exemption."

The Children's Sleepwear Standard was amended on July 21, 1972, at 37 FR 14624 et seq. to incorporate a sleepwear sampling plan therein and to make certain nonsubstantive technical corrections as to the test equipment. The effective date remained the same. In issuance of such amendment the Notice of Amendment specified at 37 FR 14625 that "It is emphasized that the only substantive change made to the standard involves the amendment necessary to include the sampling plan."

The Notice of Amendment did not repeat the language in the original 1971 Notice of Standard relative to items in inventory or as to recordkeeping requirements.

Questions have arisen under this standard as to the application of the standard to goods manufactured outside the United States prior to the effective date of the standard on July 29, 1972, as to whether a person claiming the exemption specified in the standard must maintain records showing eligibility for exemption from the standard.

In the Commission's view, the provisions of the July 29, 1971, Notice of Standard as to exemption of items of

² Deposit data are as of June 30, 1970.

children's sleepwear in inventory or with the trade on the effective date of the standard and as to the necessity of maintenance of records to show eligibility for such exemption are in full force and effect.

By direction of the Commission dated January 24, 1973.

[SEAL]

CHARLES A. TOBIN,
Secretary.

[FR Doc.73-1830 Filed 1-30-73;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order 92]

TOLEDO, OHIO

Notice of Contiguous Expansion of Trade Zone

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. sections 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) has adopted the following order:

Whereas, the Toledo-Lucas County Port Authority Grantee of Foreign-Trade Zone No. 8, was issued a grant for the establishment, operation, and maintenance of Foreign-Trade Zone No. 8, Toledo, Ohio, on October 11, 1960 (Board Order No. 51);

Whereas, said Grantee filed with the Board on October 6, 1972, an application requesting authority to contiguously expand the area of Foreign-Trade Zone No. 8 to include a warehouse building which covers approximately 69,900 square feet;

Whereas, notice of said application was published in the FEDERAL REGISTER on October 14, 1972 (37 FR 21878) and opportunity has been afforded all interested parties to submit their views;

Whereas, an Examiners Committee has investigated the application in accordance with the Regulations and recommends approval thereof;

Whereas, the requested expansion of the zone area is necessary to accommodate new and existing zone users and for more efficient operation of the zone; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Regulations are satisfied and that approval of the application is in the public interest;

Now, therefore, the Foreign-Trade Zones Board hereby orders:

That the Grantee is authorized to contiguously expand the boundary of Foreign-Trade Zone No. 8, Toledo, Ohio, in conformity with Exhibits 1-13 of the application filed with the Board on October 6, 1972. The authority given in this order is subject to local approval of the District Director of Customs and the District Army Engineer regarding compliance with their requirements relating to foreign-trade zones. The Grantee shall prenotify the Board's Executive Secretary for clearance concerning any proposal to use the expanded zone area for manufacturing operations prior to their commencement.

Signed at Washington, D.C., this 22d day of January 1973.

PETER G. PETERSON,
Secretary of Commerce, Chairman
and Executive Officer,
Foreign-Trade Zones Board.

Attest: JOHN J. DaPonte, Jr.,
Executive Secretary.

[FR Doc.73-1809 Filed 1-30-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

COMMITTEE MANAGEMENT

Notice of Determination

The National Science Foundation, established by Public Law 81-507 as an independent agency of the Federal Government, utilizes advice and recommendations of advisory committees in carrying out its functions and activities.

The Federal Advisory Committee Act, Public Law 92-463, which became effective January 5, 1973, sets forth standards and procedures for the formation, use, conduct, management, and accessibility to the public of committees established to advise and assist the Federal Government. Section 10 of the Act specifies that each advisory committee meeting shall be open to the public, except any advisory committee meeting which the President, or the head of the agency to which the committee reports, determines is concerned with matters listed in the Freedom of Information Act, section 552(b) of title 5, United States Code.

It is established Foundation policy in administering the Freedom of Information Act to make fullest possible disclosure of records to the public, limited only by obligations of confidentiality and administrative necessity. Consistent with this policy the Foundation will open to the public as many advisory committee meetings as possible.

However, Foundation advisory committees, while engaged in the review, discussion, and evaluation of grant or contract proposals and projects, or in the evaluation of grantee and contractor performance should not be required to hold open meetings. The Foundation has historically assured the privacy of certain types of information submitted in confidence to the Foundation by prospective grantees and contractors in support of proposals and projects. This information may include such matters as details relating to the type or design of work to be performed, adequacy of the applicant's facilities, competence of the proposed grantee's or contractor's staff, proposed budget, commercial or financial information and other material which would not otherwise be disclosed. Such information is furnished to the Foundation with reliance that it will be treated on a privileged or confidential basis and not disclosed to the public. Opening to the public the deliberations of committees reviewing and evaluating these proposals and projects as part of the selection process for awards would obviously involve disclosure of this information.

Moreover, to operate most effectively, the review and evaluation process requires that members of committees considering such matters be free to engage in full and frank discussion and to provide unhampered advice and recommendations regarding the merits of specific scientific proposals and projects. If the process were not to continue on a confidential basis, potential grantees and contractors would not furnish information in such detail as is essential for complete and effective review. In addition, if the proceedings of these committees were open to public participation, the Foundation would be unable to secure open and candid advice as to the awarding of grants, contracts, fellowships and other arrangements.

Pending grant and contract proposals, and detailed records of deliberations of the committees reviewing them are presently exempt from mandatory disclosure under the Freedom of Information Act (5 U.S.C. 552).

In the interest of meeting the Foundation's obligations of confidentiality of matters submitted as part of grant and contract proposals and encouraging candid expression of opinion concerning the merits of grant and contract proposals and the evaluation of grantee and contractor performance, so essential to the review process:

It is hereby determined in accordance with the provisions of section 10(d) of the Federal Advisory Committee Act:

(1) Advisory committee meetings devoted to consideration of grant and contract proposals and projects are concerned with matters listed in section 552(b) of title 5, United States Code; and

(2) The public interest requires that such matters not be disclosed so that the Foundation may continue to receive information and advice necessary to appropriate decisions with respect to grant and contract matters.

Therefore, until December 31, 1973, meetings or portions thereof of all Foundation advisory committees devoted solely to review, discussion, and evaluation of grant or contract proposals, and projects or performance by grantees and contractors shall not be open to the public.

Each such committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code. The Foundation official having cognizance for each respective committee shall be responsible for the preparation of the committee report.

All other advisory committee meetings shall be open to the public unless the Director or his designee determines otherwise in accordance with section 10(d) of the Act.

Dated: January 15, 1973.

H. GUYFORD STEVER,
Director.

[FR Doc.73-1781 Filed 1-30-73;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

ADVISORY BOARD

Notice of Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a) (2), dated October 6, 1972, that a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation will be held in Department of Transportation Conference Rooms A, B, C, 8th Floor, Federal Building, 800 Independence Avenue, Washington, DC on February 28, 1973.

Established under Public Law 358 (68 Stat. 92), approved on May 13, 1954, the Advisory Board consists of five members who advise the Administrator regarding Corporation programs and policies as they relate to the overall effective operation and development of the St. Lawrence Seaway.

The meeting will be open to the public from 9 a.m. to 12 noon with the following agenda:

- (1) Opening remarks by the Administrator;
- (2) Review of Seaway Operations—1972 Season;
- (3) Vessel Traffic Control Program;
- (4) Development Programs:
 - (a) winter navigation
 - (b) icebreaker deployment
- (5) Great Lakes shipping matters.

The meeting will be closed to the public from 2 p.m. to 6 p.m. in accordance with the Administrator's determination dated January 22, 1973.

The agenda items are as follows:

- (1) Review of the Tariff of Tolls;
- (2) International matters;
- (3) Legal and legislative review.

Because of limited space, attendance at the open session is set at 60 persons. Reservations and further information may be obtained from Mr. Robert Kraft, Special Assistant to the Administrator, Office of the Administrator, Saint Lawrence Seaway Development Corporation, Room 812, Building 10-A, 800 Independence Avenue, Washington, DC 20590 or by calling 202-426-3574.

Issued on January 24, 1973.

[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.73-1890 Filed 1-30-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

JANUARY 24, 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 Accurate Calculator 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 25, 1973 through February 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1882 Filed 1-30-73;8:45 am]

[70-5301]

CONSOLIDATED NATURAL GAS CO.

Proposal by Holding Company To Act as Surety

JANUARY 24, 1973.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

On September 22, 1972, Hope Natural Gas Co., a Division of Consolidated's wholly owned public-utility subsidiary company, Consolidated Gas Supply Corp. (Supply Corporation) filed revisions in its rate schedules with the Public Service Commission of West Virginia providing for increased rates and charges approximating \$7,200,000 per year for furnishing natural gas service in the State of West Virginia. By action of the State commission, the effectiveness of the new rates was suspended until February 19, 1973. The new rates may now become effective upon the filing by Supply Corporation of a bond in the amount of \$7,200,000 with satisfactory surety, for the due and proper payment of any refunds to customers which the State commission may order. The State commission has indicated that Consolidated may act as surety on such bond. Consolidated proposes, without fee or other consideration, to act as surety on the bond of Supply Corporation to save the cost of securing an outside corporate surety.

The fees and expenses incurred by Supply Corporation in connection with the proposed transaction are estimated at \$2,250, including charges of \$200 for the services of Consolidated Natural Gas Service Co., Inc., Consolidated's wholly owned service company. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 14, 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, DC 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.73-1883 Filed 1-30-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

JANUARY 24, 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 26, 1973 through February 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-1884 Filed 1-30-73;8:45 am]

[File No. 500-1]

FIRST WORLD CORP.

Order Suspending Trading

JANUARY 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B Common stocks, \$0.15 par value,

and all other securities of First World 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 25, 1973 through February 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-1885 Filed 1-30-73;8:45 am]

[File No. 500-1]

LILAC TIME, INC.

Order Suspending Trading

JANUARY 24, 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 Lilac Time, 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 25, 1973 through February 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-1886 Filed 1-30-73;8:45 am]

[File No. 500-1]

MARCON ELECTRONICS CORP.

Order Suspending Trading

JANUARY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$1 par value, and all other securities of Marcon Electronics 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 11 a.m. (e.s.t.) January 23, 1973 through February 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-1887 Filed 1-30-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

JANUARY 24, 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 Pelorex 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 26, 1973 through February 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-1888 Filed 1-30-73;8:45 am]

[812-3344]

SIGMA TRUST SHARES AND WILLIAM L. KINGMAN

Filing of Application

JANUARY 24, 1973.

Notice is hereby given that Sigma Trust Shares (Fund), 10 Post Office Square, Boston, MA 02110, and William L. Kingman (Kingman), as Trustee for Charles F. Eaton Unitrust for Mary A. Alley Hospital (Alley Hospital Trust) and as Trustee for Charles F. Eaton Unitrust for The Middlesex School (Middlesex School Trust) (hereinafter referred to collectively as "Applicants"), c/o Franklin Management Co., 10 Post Office Square, Boston MA 02110, have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from section 17(a) of the Act a transaction whereby Kingman, as trustee for the Alley Hospital Trust and Middlesex School Trust, will sell to the Fund and then repurchase from the Fund an aggregate of \$12,000 face amount of 7½ percent debentures of H. P. Hood & Sons, Inc., due February 1, 2001 (the "Debentures"). The sale will be at a net price of \$82 per Debenture, and the repurchase at \$83.50 per Debenture. All interested persons are referred to the application on file with the Commission for a statement of Applicants' representations which are summarized below.

The Fund, a trust created under the laws of Massachusetts, is registered as an open-end, diversified, management investment company under the Act. Kingman is a member of the Board of Trustees of the Fund, and the sole trustee for two charitable unitrusts, the Alley Hospital Trust and the Middlesex School Trust. Kingman has no beneficial interest, direct or indirect, in either trust.

On December 31, 1971, the Fund owned \$80,000 face amount of Debentures,

which have not been registered with the Commission, and for which registration is not presently contemplated. As of December 31, 1971, the Debentures were evaluated by Paine, Webber, Jackson & Curtis at \$82 per \$100 face amount. This evaluation was ratified by the Trustees of the Fund at their regular quarterly meeting of January 25, 1972.

On January 8, 1972, Kingman purchased from the Fund \$9,000 face amount of Debentures for the Alley Hospital Trust. The purchase price of \$7,380 was at the value established for purposes of the Fund's December 31, 1971 financial statements (\$82 per Debenture) and ratified by the Trustees of the Fund on January 25, 1972.

On February 7, 1972, Kingman purchased from the Fund \$3,000 face amount of Debentures for the Middlesex School Trust. The purchase price of \$2,460 was also at the value ratified by the Fund's Trustees on January 25, 1972. Mr. Kingman thus purchased the Alley Hospital Trust and Middlesex School Trust for which he acted as sole trustee, an aggregate of \$12,000 face amount of Debentures from the Fund for \$9,840.

Section 17(a) of the Act provides, among other things, that it shall be unlawful for any affiliated person of a registered investment company, acting as principal, knowingly to purchase from such registered investment company any security or other property (except securities of which the seller is the issuer), unless an application regarding such transaction has been granted by the Commission.

Although Kingman, as trustee, was an affiliated person of the Fund at the time of these transactions, neither the Fund nor Kingman applied for an exemption from the provisions of section 17(a) since they believed that Kingman was not acting as "principal" as that term is used in section 17(a).

In order to avoid any question which might be raised as to the propriety of the two transactions which have taken place, Kingman now proposes to sell the Debentures back to the Fund at a net price of \$82 per Debenture, and further proposes immediately to repurchase said Debentures from the Fund at the appraised value most recently established on September 30, 1972, by Paine, Webber, Jackson & Curtis (\$83.50 per Debenture), and ratified by the Trustees of the Fund on October 17, 1972.

There will be no charges or fees associated with the sale and repurchase other than applicable state transfer fees which will be paid by the seller in each of the transactions and legal fees to be borne by each party. The proposed transactions were approved by the Fund's Board of Trustees on October 17, 1972 (Kingman abstaining).

Applicants believe that the issuance of an exemptive order in connection with this proposed sale and purchase is appropriate in the public interest because the terms of the proposed transaction are reasonable and fair to the Fund and

Kingman and do not involve any over-reaching on the part of the Fund or Kingman for the reasons that:

(a) As restricted securities with little or no market, the Debentures are not considered an appropriate investment for the Fund by its Trustees.

(b) The proposed sale of the Debentures at the appraised value most recently established by Paine, Webber, Jackson & Curtis and ratified by the Trustees of the Fund is reasonable and fair to both parties.

(c) Kingman has no beneficial interest in either of the two charitable trusts for which he acts as trustee.

(d) The proposed transactions offer both parties an opportunity to confirm a transaction whereby Kingman acquired for the two charitable trusts and the Fund disposed of a substantial part of the Fund's holdings of Debentures at a price which was advantageous to both parties.

(e) The proposed transactions enable the parties to confirm a transaction which was negotiated at arms length between two separate distinct persons, and only involved a violation of the Act by reason of the misinterpretation of the term "principal."

The Fund represents that the prior sale was and that the proposed purchase and sale will be consistent with its policy as recited in its registration statement and reports filed under the Act and both Applicants believe that the transactions are consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than February 20, 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 Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.73-1889 Filed 1-30-73; 8:45 am]

SMALL BUSINESS ADMINISTRATION

GULF INVESTMENT CORP.

Notice of Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1972)) under the name of Gulf Investment Corp. (GIC), 115 East Van Buren Street, Harlingen, TX 78550, for a license to operate in Texas as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Dial M. Dunkin, Chairman of the Board, 1009 East Parkwood, Harlingen, TX 78550.
Rollins M. Koppel, President, Director, 1616 Sam Houston, Harlingen, TX 78550.
Robert B. Dunkin, Vice President, Director, 410 Retama, Harlingen, TX 78550.
Griffith R. Tees, Jr., Secretary, Treasurer, Director, 602 East Arroyo Drive, Harlingen, TX 78550.
Robert A. McAllen, Director, Route 1, Box 190, Weslaco, TX 78596.
Edward H. Starr, Jr., Director, 1802 East Washington Street, Harlingen, TX 78550.

There will be two (2) classes of stock, namely common stock (1,800,000 shares authorized) and preferred stock (200,000 shares authorized). The voting power for the election of directors for the corporation and for all other purposes shall be vested exclusively in the holders of the common stock, and except as otherwise provided by law, the holders of the shares of preferred stock shall not have any voting power. The company proposes to commence operation with a capitalization of \$210,000 consisting of 210,000 shares of common stock. The proposed beneficial owners of the 210,000 shares of common stock are as follows:

Name	Number	Percent
Cameron Life Insurance Co. ¹	75,000	35.7
Rollins M. Koppel—Attorney—Harlingen	50,000	23.7
Mr. and Mrs. Alan Golden—(brother-in-law and sister of Koppel)	5,000	2.4
Mr. and Mrs. Charles Davis—(brother-in-law and sister of Koppel)	5,000	2.4
Jack Skaggs—Attorney—Harlingen	25,000	11.9
Albert Wolf—Harlingen	25,000	11.9
John Tucker—Doctor—San Benito	10,000	4.8
Hidalgo Bank & Trust Co.—Mercedes	10,000	4.8
Dan Miller—Brownsville	5,000	2.4

¹ Cameron Life Insurance is owned by Mr. Dial M. Dunkin, proposed Director and Chairman of the Board.

Applicant proposes to conduct its operations in the State of Texas and in other areas within the United States of America and its territories and possessions as may from time to time be approved by the SBA as its operating territory. Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Harlingen, Tex.

Dated: January 18, 1973.

DAVID A. WOLLARD,
Associate Administrator
for Operations and Investment.

[FR Doc.73-1780 Filed 1-30-73; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-7]

CRANSTON PRINT WORKS CO.

Notice of Application for Variance

Notice is hereby given that Cranston Print Works Co., Fletcher, N.C. 28732, has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for temporary variances from the standards prescribed in 29 CFR 1910.219 (e) and (f), pertaining to belt, rope, and chain drives, and to gears, sprockets, and chains, and in 29 CFR Part 1910.262(dd) (1) and (2), pertaining to nip guards and crown wheel and roller nip protection.

The applicant states that the addresses of the printing facilities that are directly affected by this application are as follows:

Cranston Print Works Co., Webster Division, Webster, Mass. 01570.
Cranston Print Works Co., Fletcher Division, Fletcher, N.C. 28732.

The applicant certifies that a summary of the application has been posted on a bulletin board in each printing machine area, and that a complete copy of the application has been sent to the personnel office at each plant and to the employee representatives at the following locations:

Webster Local 1751, Textile Workers Union of America, AFL-CIO, Webster, Mass.

Local 1355 T.W.U.A., AFL-CIO, Post Office Box 184, Skyland, NC 28776.

Machine Printers and Engravers Association, 172 Taunton Avenue, East Providence, RI 02914.

The applicant represents that due to the unusual design and construction of its roller type printing machines and due to the particular type of operations in which these machines are used, no protective devices which would guard these machines to the extent demanded by these regulations have ever been developed. Thus, the applicant is requesting a variance until February 15, 1973, for its Fletcher Division, and a variance until May 31, 1973, for its Webster Division, in order to have more time to develop effective guarding systems for the printing machines at each plant.

The following steps have been taken to provide temporary protection pending development of effective guarding systems.

1. Some fitting gears were provided with steel plates bolted to their outer edge and extending radially to a line beyond the line of engagement of the teeth of the fitting gear with the teeth of the star gear. This is alleged to provide protection against side entry into the nips;

2. The outer surfaces of all the fitting gears are painted bright red in order to call attention to the fact that there is a hazard and that caution should be exercised in working around the gears;

3. A "New Employee Safety Orientation" sheet is attached to every new employee's timecard. He takes this to his supervisor, who then discusses with him the various aspects of safety in the Print Room and in the operation of the print fitting gears.

The applicant further states that it has tried other means of protection which have either proved much less effective and/or interfered with the operation of the machines. Finally, the applicant states that it has contacted machinery manufacturing companies in its effort to develop a more effective means of protection.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, Room 500, 400 First Street NW., Washington, DC 20210, and at the following regional and area offices: U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street NE, Suite 587, Atlanta, GA 30309; Occupational Safety and Health Administration, 1361 East Morehead Street, Charlotte, NC 28204; OSHA, JFK Federal Building, Room E-308, Boston, Mass. 02203; and OSHA, Custom House Building, State Street, Boston, Mass. 02109.

Interested persons are invited to submit written data, views, and arguments regarding the application for variances prior to March 2, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of any of the variances may request a hearing on the application prior to March 2,

1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate, and shall be addressed to the Office of Standards at the above address.

Signed at Washington, D.C., this 26th day of January 1973.

CHAIN ROBBINS,
Acting Assistant
Secretary of Labor.

[FR Doc.73-1898 Filed 1-30-73; 8:45 am]

WISCONSIN DEVELOPMENTAL PLAN

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 Wisconsin 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 Industry, Labor, and Human Relations as the State agency designated by the Governor of the State to administer the plan. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2 (c)(1). It provides a description of personnel employed under a merit system; the coverage of employees of political subdivisions; procedures for the prompt restraint or elimination of imminent danger situations; and procedures for the development and promulgation of standards, including standards for protection of employees against new and unforeseen hazards. Under the authority of existing legislation the Department of Industry, Labor, and Human Relations has full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State with the exception of domestic services and agriculture.

As stated in the plan, existing legislation further provides the State with the authority through the adoption of administrative rules to bring the plan into conformity with the requirements of 29 CFR Part 1902 in areas such as procedures for variances and the protection of employees from hazards; insuring inspections in response to complaints; giving employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their

protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets, and provision for prompt notice to employers and employees of alleged violations of standards and abatement requirements. The plan includes draft legislation to be considered by the Wisconsin Legislature during its 1973 session. Under the proposed legislation the State will revise its existing system of sanctions against employers for violations of standards; amend present procedures for employer right of review and employee participation in review proceedings; and authorize coverage of agriculture.

Included in the plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the constitution and laws of Wisconsin. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902.

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, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Department of Labor, 300 South Wacker Drive, Room 1201, Chicago, IL 60606; and the Department of Industry, Labor, and Human Relations, Division of Industrial Safety and Buildings, 201 East Washington Avenue, Madison, WI 53702. Copies of the plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given until February 28, 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, Occupational Safety and Health Administration, Railway Labor Building, Room 305, U.S. Department of Labor, Washington, D.C. 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, 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 by February 28, 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 23d day of January 1973.

CHAIN ROBBINS,
Acting Assistant Secretary
of Labor.

[FR Doc.73-1825 Filed 1-30-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 166]

ASSIGNMENT OF HEARINGS

JANUARY 26, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

Correction

MC-113843 Sub 184, Refrigerated Food Express, Inc., now being assigned hearing March 21, 1973 (3 days), at Boston, Mass., in a hearing room to be later designated, instead of March 23, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1867 Filed 1-30-73;8:45 am]

[Notice 167]

ASSIGNMENT OF HEARINGS

JANUARY 26, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-123383 Sub 61, Boyle Brothers, Inc., now assigned January 30, 1973, at Washington, D.C., is canceled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1868 Filed 1-30-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 26, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before February 15, 1973.

FSA No. 42608—Joint water-rail container rates—Orient Overseas Line, Inc. Filed by Orient Overseas Line, Inc. (No. 1), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, on the one hand, and rail carriers terminals on the U.S. Atlantic and Gulf coasts, on the other.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1860 Filed 1-30-73;8:45 am]

[Notice No. 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 26, 1973.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 2, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-42487 (Deviation No. 98), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94015, filed January 16, 1973. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 70 to junction U.S. Highway 63 at or near Columbia, Mo., thence over U.S. Highway 63 to Macon, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Kans., over U.S. Highway 69 to junction U.S. Highway 36, thence over U.S. Highway 36 via Monroe City, Mo., to Indianapolis, Ind., and return over the same route.

No. MC-42487 (Deviation No. 99), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94015, filed January 16, 1973. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 59 to junction Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, Tenn., thence over U.S. Highway 27 to junction Tennessee Highway 61, near Little Emory, Tenn., thence over Tennessee Highway 61 to junction U.S. Highway 25W, at or near Clinton, Tenn., thence over U.S. Highway 25W to junction Interstate Highway 75, near Lake City, Tenn., thence over Interstate Highway 75 to Lexington, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Birmingham, Ala., over U.S. Highway 31 to Ardmore, Tenn., thence over Tennessee Highway 110 to Fayetteville, Tenn., thence over U.S. Highway 231 to Murfreesboro, Tenn., thence over U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 31W to Elizabethtown, Ky., thence over U.S. Highway 62 to Lexington, Ky., and return over the same route.

No. MC-59957 (Deviation No. 13), MOTOR FREIGHT EXPRESS, Post Office Box 1029, York, PA 17405, filed January 16, 1973. Carrier's representative: Walter M. F. Neugebauer, same address as applicant. Carrier proposes to operate as a common carrier, by motor vehicle,

of general commodities, with certain exceptions, over a deviation route as follows: From Port Matilda, Pa., over U.S. Highway 322 to Woodland, Pa., thence over Pennsylvania Highway 970 to junction Interstate Highway 80, thence over Interstate Highway 80 to Youngstown, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Youngstown, Ohio, over U.S. Highway 422 to Portersville, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., and (2) from Port Matilda, Pa., over U.S. Highway 220 to Hollidaysburg, Pa., thence over U.S. Highway 22 to Pittsburgh, Pa., and return over the same routes.

No. MC-59957 (Deviation No. 14), MOTOR FREIGHT EXPRESS, Post Office Box 1029, York, PA 17405, filed January 16, 1973. Carrier's representative: Walter M. F. Neugebauer, same address as applicant. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over Ohio Highway 14 to junction Ohio Highway 82 at or near Twinsburg, Ohio, thence over Ohio Highway 82 to Warren, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Cleveland, Ohio, and Warren, Ohio, over U.S. Highway 422.

No. MC-89723 (Deviation No. 24), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103, filed January 17, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Henderson, Tex., over U.S. Highway 259 to junction U.S. Highway 59 (north of Nacogdoches), thence over U.S. Highway 59 to Houston, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Longview, Tex., over U.S. Highway 259 to Henderson, Tex., thence over U.S. Highway 79 to Round Rock, Tex., thence over U.S. Highway 81 to Laredo, Tex., and (2) from Palestine, Tex., over U.S. Highway 287 to Crockett, Tex., thence over Texas Highway 19 to Huntsville, Tex., thence over U.S. Highway 75 to Houston, Tex., and return over the same routes.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1855 Filed 1-30-73;8:45 am]

[Notice No. 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 26, 1973.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 2, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-44770 (Deviation No. 1), ZEPHYR LINES, INCORPORATED, 1114 Currie Avenue, Minneapolis, MN 55403, filed November 6, 1972, as amended January 16, 1973. Carrier's representative: Joseph J. Dudley, West 1260 First National Bank Building, St. Paul, Minn. 55101. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From Minneapolis, Minn., over Interstate Highway 94 to St. Paul, Minn., thence over Interstate Highway 35E to junction Minnesota Highway 36, thence over Minnesota Highway 36 to the St. Croix River, thence across the St. Croix River to junction Wisconsin Highway 64, (2) from St. Paul, Minn., over Interstate Highway 35E to junction Interstate Highway 694, thence east over Interstate Highway 694 to junction U.S. Highway 61, thence over U.S. Highway 61 to Forest Lake, Minn., (3) from Minneapolis, Minn., over U.S. Highway 12 to junction Interstate Highway 494, thence over Interstate Highway 494 to junction Minnesota Highway 5, thence over Minnesota Highway 5 to Gaylord, Minn., and (4) from Minneapolis, Minn., over Interstate Highway 35W to junction Minnesota Highway 62, thence over Minnesota Highway 62 to junction U.S. Highway 212.

Thence over U.S. Highway 212 to junction Minnesota Highway 5, thence over

Minnesota Highway 5 to Gaylord, Minn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows:

(1) From Minneapolis, Minn., over Minnesota Highway 212 to the St. Croix River, thence across the St. Croix River to junction Wisconsin Highway 64, thence over Wisconsin Highway 64 to junction U.S. Highway 63, thence over U.S. Highway 63 to Ashland, Wis., (2) from St. Paul, Minn., over U.S. Highway 61 to Forest Lake, Minn., thence over U.S. Highway 8 to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Webster, Wis., and (3) from Minneapolis, Minn., over Minnesota Highway 7 to junction Minnesota Highway 41, thence over Minnesota Highway 41 to junction Minnesota Highway 5, thence over Minnesota Highway 5 to Gaylord, Minn., thence over Minnesota Highway 19 to Marshall, Minn., thence over Minnesota Highway 68 to Canby, Minn., and return over the same routes.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1854 Filed 1-30-73;8:45 am]

[Notice No. 8]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 26, 1973.

The following publications¹ are governed by the new § 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.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 128944 (Sub-No. 12) (clarification), filed July 10, 1972, published FEDERAL REGISTER, issue of August 17, 1972, and republished as clarified this issue. Applicant: RELIABLE TRUCK LINES, INC., 402 Maplewood Avenue, Nashville,

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 of the human environment resulting from approval of its application.

TN 37210. Applicant's representative: James Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. **NOTE:** The application as originally published, sought authority over 4 specified regular routes: 1. between Atlanta, Ga., and Tupelo, Miss.; 2. between Gula, Ala., and Tupelo, Miss.; 3. between Birmingham, Ala., and all points within 15 miles thereof, and Tupelo, Miss., and 4. between Tusculumbia, Ala., and Tupelo, Miss. The original publication failed to set forth that applicant seeks to serve all intermediate points on specified routes in the State of Mississippi, and the off-route point of plantsite of Blue Bell, Inc., located about 3 miles north of Tupelo, Miss. The rest of the application remains as previously published, except application has been restrictively amended to delete therefrom any reference to off-route points in the Mississippi counties of Tishomingo, Alcorn, and Prentiss.

HEARING: Remains as assigned before Joint Board No. 340, on the 12th day of February 1973 (1 week), at 9:30 a.m., U.S. standard time, at the Natchez Trace Inn, 3400 West Main Street, at Tupelo, MS, and on the 20th day of February 1973 (1 week), at 9:30 a.m., U.S. standard time, at the Guest House Motor Inn, 18th Street at 10th Avenue, Birmingham, Ala.

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 1100.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11618. (Amendment) (O'DONNELL'S EXPRESS—Purchase (Portion)—E. J. SCANNELL, INC.), published in the August 16, 1972, issue of the **FEDERAL REGISTER** on page 16582. By amendment filed January 17, 1973. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Boston, and Haverhill, Mass., between Boston, and Lowell, Mass., between Boston, and Attleboro, Mass., between Boston, and Blackstone, Mass., between Boston, and Beverly, Mass., between Boston, and New Bedford, Mass., between Boston, and Webster, Mass., between Providence, and Woonsocket, R.I., between Providence, and Bristol, R.I., between Providence, and Westerly, R.I., between Lowell, Mass., and Providence, R.I., between Lawrence, Mass., and Woonsocket, R.I., between Boston, Mass., and Westerly, R.I., between New Bedford, Mass., and Providence, R.I., between Haverhill, Mass., and Putnam, Conn., between New Bedford, Mass., and New London, Conn.; *general commodities*, with exceptions, over irregular routes, between Boston, Mass., on the one hand, and, on the other, points and

places in Massachusetts, between Boston, Mass., and points and places within 12 miles of Boston, on the one hand, and, on the other, points and places in Connecticut and Rhode Island.

NOTICE

M V R HOLDING CORPORATION; BERNARD J. O'TOOLE AND MARY A. O'TOOLE of 290 Armistice Boulevard, Pawtucket, RI 02861, represented by Mr. Neal Holland, Sherburne, Powers & Needham, 225 Franklin Street, Boston, MA 02110, seeks by the application in Finance Docket No. 27260, to purchase the stock and acquire control of the Moshassuck Valley Railroad Co. Applicants' will continue to operate the 1.9 miles of the main line between Pawtucket and Lincoln, R.I. In the opinion of the applicants' this proposal will have no ascertainable effect on the quality of the human environment. 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 Commission no later than 30 days from the date of first publication in the **FEDERAL REGISTER**.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.73-1858 Filed 1-30-73; 8:45 am]

[Notice No. 9]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 23, 1973.

The following are notices of filing of applications¹ 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.

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.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 429 TA) filed January 10, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: James W. Conner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the facilities of the Tappan Co. at or near Oberlin, Ohio as an off-route point, for 180 days. **NOTE:** Applicant states it will tack with lead certificate MC 2202 and all subs thereto and will effect interchange at all points served. Supporting shipper: Tappan, Air Conditioning Division, 206 Woodford Avenue, Elyria, Ohio 44035. Send protests to: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 29886 (Sub-No. 290 TA) filed January 11, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck tractors* in initial truckaway service; from the plantsite of Daybrook-Ottawa Division Gulf & Western Metals Forming Co., in Bowling Green, Ohio to points in the United States (except Alaska and Hawaii) for 180 days. Supporting shipper: Daybrook-Ottawa Division Gulf & Western Metals Forming Co., 1175 North Main Street, Bowling Green, Ohio 43402. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 26296 (Sub-No. 69 TA) filed January 11, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, Livingston, MT 59047. Applicant's representative: Wayne Waggoner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products*, from points in Mineral County, Mont., to points in California and Nevada, for 180 days. Supporting shipper: Superior Wood Treat Products, Post Office Box 493, Superior, MT 59872. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 112801 (Sub-No. 140 TA) filed January 11, 1973. Applicant: TRANSPORT SERVICE CO. (a corporation), Post Office Box 50372, 5100 West 41st Street, Chicago, IL 60650. Applicant's representative: Albert A. Andrin, 29 South

La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, from Kansas City, Kans., to Lincoln, Nebr., for 180 days. Supporting shipper: Richard Gillis, regional production manager, Archer Daniels Midland Co., Lincoln, Nebr. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 113908 (Sub-No. 252 TA) filed January 11, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, Glenstone Station, 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage spirits, alcoholic liquors and neutral spirits*, in bulk, in tank vehicles, from Auburndale and Lake Alfred, Fla., to points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, Ohio, and Pennsylvania. Note: (Applicant does not intend to transport (1) Brandy and wine, from Lake Alfred, Fla., to points in Illinois, Indiana, Michigan, Minnesota, New Jersey, and Ohio; (2) brandy and wine and rum, from Lake Alfred, Fla., to points in Pennsylvania; (3) brandy and rum, from Lake Alfred, Fla., to Baltimore, Gwynnbrook, and Relay, Md.; (4) alcoholic liquors, from Auburndale, Lake Alfred, and Winterhaven, Fla., to Peoria, Ill., and Schaefertown, Pa.; (5) alcoholic liquors (rum), from Lake Alfred, Fla., to Cincinnati, Ohio; and (6) beverage spirits, from Lake Alfred, Fla., to Linden, N.J.), for 180 days. Supporting shipper: Jacquelin-Florida Distilling Co., Auburndale, Fla. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 116763 (Sub-No. 234 TA), filed January 8, 1973. Applicant: CARL SUBLER TRUCKING, INC., Route 92, Box 215, Auburndale, FL 33823. Applicant's representative: H. M. Richters, North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, except frozen and commodities in bulk, from the plantsite of the J. M. Smucker Co. at Memphis, Tenn., to points in Iowa and Nebraska, for 180 days. Supporting shipper: The J. M. Smucker Co., Orrville, Ohio 44667. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 127239 (Sub-No. 12 TA), filed January 11, 1973. Applicant: UNIVERSAL BOW TRANSPORT, INC., Post Office Box 276, Concord Industrial Park (business address), Concord, NH 03301. Applicant's representative: Francis E.

Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packaging and paperboard cartons*, knocked down, from Lumberton, N.C., to points in the United States (except Alaska and Hawaii); (2) *paperboard*, from Demopolis, Ala., and Silsbee, Tex., to Lumberton, N.C.; and (3) *wax* (except in bulk), from Beaumont, Tex., and Cicero, Ill., to Lumberton, N.C., restricted to a transportation service to be performed under a continuing contract with Universal Packaging Corp. of Bow, N.H., for 180 days. Supporting shipper: Universal Packaging Corp., Post Office Box 176, Concord, NH 03301. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, Concord, N.H. 03301.

No. MC 129350 (Sub-No. 24 TA), filed January 10, 1973. Applicant: CHARLES E. WOLFER, doing business as EVERGREEN EXPRESS, 410 North 10th Street, 59101, Post Office Box 212, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes*, from Dayton, Ohio, to Butte, Helena, and Missoula, Mont., with return or rejected and returnable tires and tubes, from Butte, Missoula, and Helena, Mont., to Dayton, Ohio, for 180 days. Note: Applicant does intend to join with service as proposed in this application to be joined with service now rendered under MC 129350 Sub-No. 4. Supporting shipper: B. L. M. Tires, Inc., Post Office Box 12, Billings, MT 59103. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1856 Filed 1-30-73; 8:45 am]

[Notice No. 10]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 24, 1973.

The following are notices of filing of applications¹ for temporary authority under section 210(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 FED-

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.

ERAL 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 75830 (Sub-No. 11 TA), filed January 15, 1973. Applicant: INTERCITY TRANSPORT & MOTOR CO., Liggett Avenue, Box 88, Buckhannon, WV 26201. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail variety stores, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk), from the facilities of G. C. Murphy Co. located in the city of McKeesport, Allegheny County, Pa., to the District of Columbia; Annapolis, Baltimore, Bel Air, Cumberland, Frostburg, Glen Burnie, Hancock, Hyattsville, Landover, Oxon Hill, Rockville, Salisbury, Silver Spring, Westernport, and Westminster, Md.; and Alexandria, Annandale, Arlington, Culpeper, Danville, Franklin, Hampton, Lynchburg, Manassas, Newport News, Richmond, Roanoke, Vinton, Virginia Beach, and Woodbridge, Va.; and the commercial zone of each of the above named points, under a continuing contract or contracts with G. C. Murphy Co. of McKeesport, Pa., for 180 days. Supporting shipper: G. C. Murphy Co., 531 Fifth Avenue, McKeesport, PA. Attention: Oscar C. Lindecamp, general traffic manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 115924 (Sub-No. 21 TA), filed January 16, 1973. Applicant: SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, GA 31407. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Mobile, Ala., New Orleans, La., and Wilmington, N.C., to Port Wentworth, Ga., under continuing contract, or contracts with Savannah Food & Industries, Inc., Savannah, Ga., for 180 days. Supporting shipper: Savannah Foods & Industries, Inc., Savannah, Ga. 31402. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 117799 (Sub-No. 46 TA), filed January 10, 1973. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205,

3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in U.S. Lines Trailers, from New York, N.Y., and Baltimore, Md., to Carthage, Mo., restricted to traffic having a prior movement by water and to shipments destined to Safeway Stores, Inc., Carthage, Mo., for 150 days. Supporting shipper: Safeway Stores, Inc., Post Office Box 2225, Fitchburg Station, Oakland, Calif. 94621. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 117815 (Sub-No. 201 TA), filed January 12, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale retail, and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business (except in bulk) between Plainfield, Ill., on the one hand, and, on the other, Benton Harbor, Kalamazoo, Portage, and St. Joseph, Mich., for 180 days.* Supporting shipper: Super Valu Stores, Inc., Post Office Box 990, Minneapolis, MN 55440. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 119961 (Sub-No. 4 TA), filed January 12, 1973. Applicant: MARSHALL MOTOR COACH, INC., 10 South 8th Avenue, Post Office Box 481, Marshalltown, IA 50158. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, except commodities in bulk, between Marshalltown, Iowa, on the one hand, and, on the other, Eldora and Steamboat Rock, Iowa, restricted to shipments having a prior or subsequent movement in rail TOFC service, for 150 days.* Supporting shippers: Whink Products Co., Eldora, Iowa 50627; Harold H. Luiken & Sons, Inc., Steamboat Rock, Iowa 50672. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 125049 (Sub-No. 4 TA), filed January 15, 1973. Applicant: TROINA TRUCKING COMPANY, INC., 24 Entwistle Avenue, Nutley, NJ 07110. Applicant's representative: Bowes & Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Automobile parts and tools used in the installation of automobile parts, crated and uncrated and display materials used in connection with the sale of automobile parts, from Dayton, N.J., to New York, N.Y., and points in Nassau, Suffolk, Rockland, and Westchester Counties, N.Y., Bucks, Chester, Delaware, Lehigh, Monroe, Montgomery, Northampton, and Philadelphia Counties, Pa., and points in Connecticut, with no transportation for compensation on return except as otherwise authorized, for 180 days.* Restrictions: The operations authorized herein are limited to the transportation service to be performed under a continuing contract, or contracts with Goerlich's Division of Questor Corp.; AP Parts Corp., a subsidiary of Questor Corp.; Columbus Parts Division of AP Parts Corp., and Merit Industries, Division of AP Parts Corp., Toledo, Ohio and Dayton, N.J. Note: Applicant presently provides transportation service to the points involved from Clifton, N.J. Applicant also has temporary authority to continue such service from Dayton, N.J., as it relates to New York and Connecticut points and to Philadelphia and King of Prussia, Pa., limited to service under contract with Goerlich's, Division of Questor Corp. only. Instant application seeks (1) to cover eight named counties in Pennsylvania and (2) to include additional divisions and subsidiaries of Questor Corp. as contracting shippers. Supporting shipper: Automotive Replacement Parts Group, Questor Corp., Toledo, Ohio 43694. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 12547 (Sub-No. 7 TA), filed January 10, 1973. Applicant: ARNOLD SCHMITZ, INC., 1724 East Pioneer Road, Fond du Lac, WI 54935. Applicant's representative: William J. Nuss, Attorney at Law, 104 South Main Street, Fond du Lac, WI 54935. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit based beverages and fruit based concentrates and soap products from West Allis, Wis., to Menominee, Mich., including delivery or pickup of Borden products to West Allis, Wis., including delivery or pickup at Borden stations between said points, for 180 days.* Supporting shipper: Borden, Inc., Dairy & Services Division, 1540 South 108th Street, Post Office Box 2600, Milwaukee, WI 53214 (D. K. Baskerville, Vice President, Northern Division). 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 134783 (Sub-No. 1 TA), filed January 15, 1973. Applicant: DIRECT SERVICE, INC., Post Office Box 786, Plainview, TX 79092. Applicant's representative: Ronald V. Dreckman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat byproducts and articles distributed by meat processing plants, 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 the plantsite and storage facility of Plainview Rendering at or near Plainview, Tex., to points in Ohio, Illinois, and Pennsylvania, for 180 days. Supporting shipper: Plainview Rendering, Plainview, Tex. 79072. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Her-ring Plaza, Amarillo, TX 79101.

No. MC 135936 (Sub-No. 13 TA), filed January 12, 1973. Applicant: LIEBMAN TRANSPORTATION CO., INC., Post Office Box 1022, Off: U.S. Highway 65 North, Iowa Falls, IA 50126. Applicant's representative: R. F. Kosek (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packing-houses, 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, except hides and commodities in bulk, from Perry, Iowa, to points in New York, New Jersey, Pennsylvania, Virginia, West Virginia, Connecticut, Rhode Island, Delaware, Vermont, New Hampshire, Massachusetts, Maine, Maryland, and the District of Columbia, for 180 days.* Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Avenue, Madison, WI 53701. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 138301 TA, filed January 9, 1973. Applicant: L. & W. QUADE, INC., 4300 East 65th Street, Inver Grove Heights, MN 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, such as: dog foods, expanded, milk replacer, from Mankato, Minn., to Fresno, Calif., for 180 days.* Supporting shipper: Hubbard Milling Co., 424 North Front Street, Mankato, MN 56001. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 138305 TA, filed January 11, 1973. Applicant: SUN TRUCKING, INC., Building T106, Big Pasco Industrial Park, Pasco, Wash. 99302. Applicant's representative: Hovis, Cockrill & Roy, 316 North Third Street, Post Office Box 437, Yakima, WA 98907. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco products, from Lewiston, Idaho, to Toppenish, Wash., for 180 days.* NOTE: Applicant states that it does intend to tack with the authority in MC 138305. Supporting shipper: The Confederated Bands and Tribes of the

Yakima Indian Nation, Yakima Indian Reservation, Yakima, Wash. Send protests to: L. D. Boone, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138313 TA, filed January 15, 1973. Applicant: MACK E. BURGESS, doing business as BUILDERS TRANSPORT, Post Office Box 2805, 409 14th Street SW., 59404, Great Falls, MT 59403. Applicant's representative: Howard C. Burton, Post Office Box 2265, Great Falls, MT 59403. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lignite coal and treated lignite, in bags or in bulk, from the plantsite of American Colloid Co. at Gascoyne, N. Dak., to points in Montana, with the return of rejected or contaminated shipments, for 180 days. Supporting shipper: American Colloid Co., 5100 Sufferd Court, Skokie, Ill. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 138315 TA, filed January 12, 1973. Applicant: IRVIN WALTER TRUITT, doing business as TRUITT'S EXPRESS, 308 East Umstead Street, Durham, NC 27707. Applicant's representative: Irvin Walter Truitt (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Laboratory equipment, office supplies, including but not limited to glassware, chemicals, and animal food, between Research Triangle Park, Durham, N.C., and Rockville and Bethesda, Md., for 180 days. Supporting shipper: National Institute of Environment Health Sciences, Department of Health, Education, and Welfare, Post Office Box 12233, Research Triangle Park, NC 27709. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1859 Filed 1-30-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 26, 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 § 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) (Correction), filed December 8, 1972, published in the FEDERAL REGISTER issue of January 17, 1973, and republished as corrected, this issue. 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 near Hamlet, N.C., over 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. (C) Between Maxton, N.C., and Raemon, N.C., over North Carolina Highway 130 serving all intermediate points. (D) Between Rowland, N.C., and Whiteville, N.C., over North Carolina Highway 130 serving all intermediate points. (E) From the junction of North Carolina Highway 130 and North Carolina Highway 904 over North Carolina Highway 904 to Fair Bluff, N.C., thence over U.S. Highway 76 to Chadbourne, N.C., and return over the same route serving all intermediate points and serving Cerro Gordo, N.C., as an off-route point. (F) From Fair Bluff, N.C., over North Carolina Highway 904 to Tabor City, N.C., thence over U.S. Highway 701 to its junction with North Carolina Highway 130 and return over the same route serving all intermediate points. (G) Between Chadbourne, N.C., and Tabor City, N.C., over North Carolina Highway 410 serving all intermediate points. (H) Between Lumberton, N.C., and Fairmont, N.C., over North Carolina Highway 41 serving all intermediate points. Both intrastate and interstate authority sought. NOTE: The purpose of this republication is to correctly reflect the authority sought. The previous publication inadvertently omitted routes C, D, E, F, G, and H. HEARING: February 15, 1973, at the hearing room, North Carolina Utilities Commission, Ruffin Building, 1 West Morgan Street, Raleigh, NC, 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.

New York Docket No. T-9108, filed December 26, 1972. Applicant: SYRACUSE PICKUP & DELIVERY, INC., 559

East Brighton Avenue, Syracuse, NY 12310. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of undeveloped film, general interoffice paperwork and pharmaceutical products (nonnarcotic), between Syracuse and Auburn, Cortland, Vestal, Fulton, Elmira, Massena, Oneida, Endwell, Johnstown, Oswego, Batavia, Potsdam, Oneonta, Ogdensburg, Horseheads, Ithaca, Rochester, Watertown, and New Hartford, N.Y. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12226, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1853 Filed 1-30-73;8:45 am]

[Notice No. 7]

APPLICATIONS BY MOTOR CARRIERS OF PROPERTY OR PASSENGERS

JANUARY 23, 1973.

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 and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1100.240).

MOTOR CARRIERS OF PROPERTY

No. MCF-11632. Authority sought for control by EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072, of ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, NY 10017, and for acquisition by DANIEL E. SHEVELL AND MYRON P. SHEVELL, both of Carlstadt, N.J. 07072, of control through the acquisition by EASTERN FREIGHT WAYS, INC. Applicants' attorneys: Ralph E. Becker, J. Thomas Schneider, and Howard J. Feldman, 1819 H Street NW., Suite 950, Washington, DC 20006. Operating rights sought to be controlled: ASSOCIATED TRANSPORT, INC., operates as a common carrier, primarily over regular routes, between Atlanta, Ga., and Charleston, S.C., on the south, Nashville, Tenn., St. Louis, Mo., and Chicago, Ill., on the west, Detroit, Mich., Buffalo, N.Y., and Champlain, N.Y., and Portland, Maine, on the north, and Boston, Mass., on the east. ASSOCIATED controls SCHERER FREIGHT LINES, CO., which operates as a common carrier over regular and irregular routes in Illinois and Wisconsin extending generally between St. Louis, Mo., and Sheboygan, Wis. Eastern Freight Ways, Inc., is a common carrier operating primarily over regular routes in Delaware, District of

Columbia, New Jersey, New York, Connecticut, Massachusetts, Maryland, Pennsylvania, Rhode Island, Vermont, and Virginia. Application has not been filed for temporary authority under section 210a(b). NOTE: A proposed amendment to the application for a merger of

the two carriers has been submitted by Eastern Freight Ways, Inc. Associate Transport, Inc., has not joined in.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1857 Filed 1-30-73;8:45 am]

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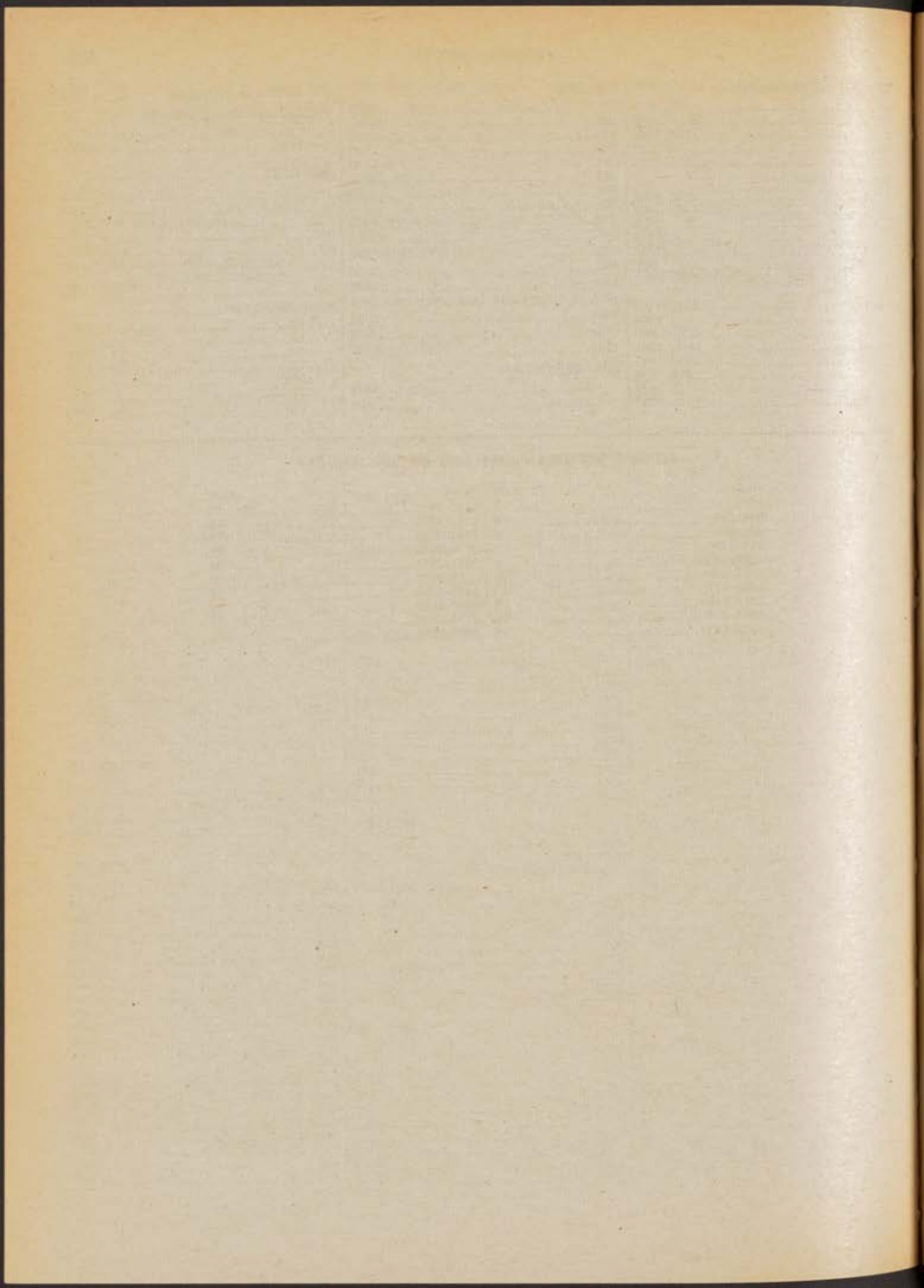
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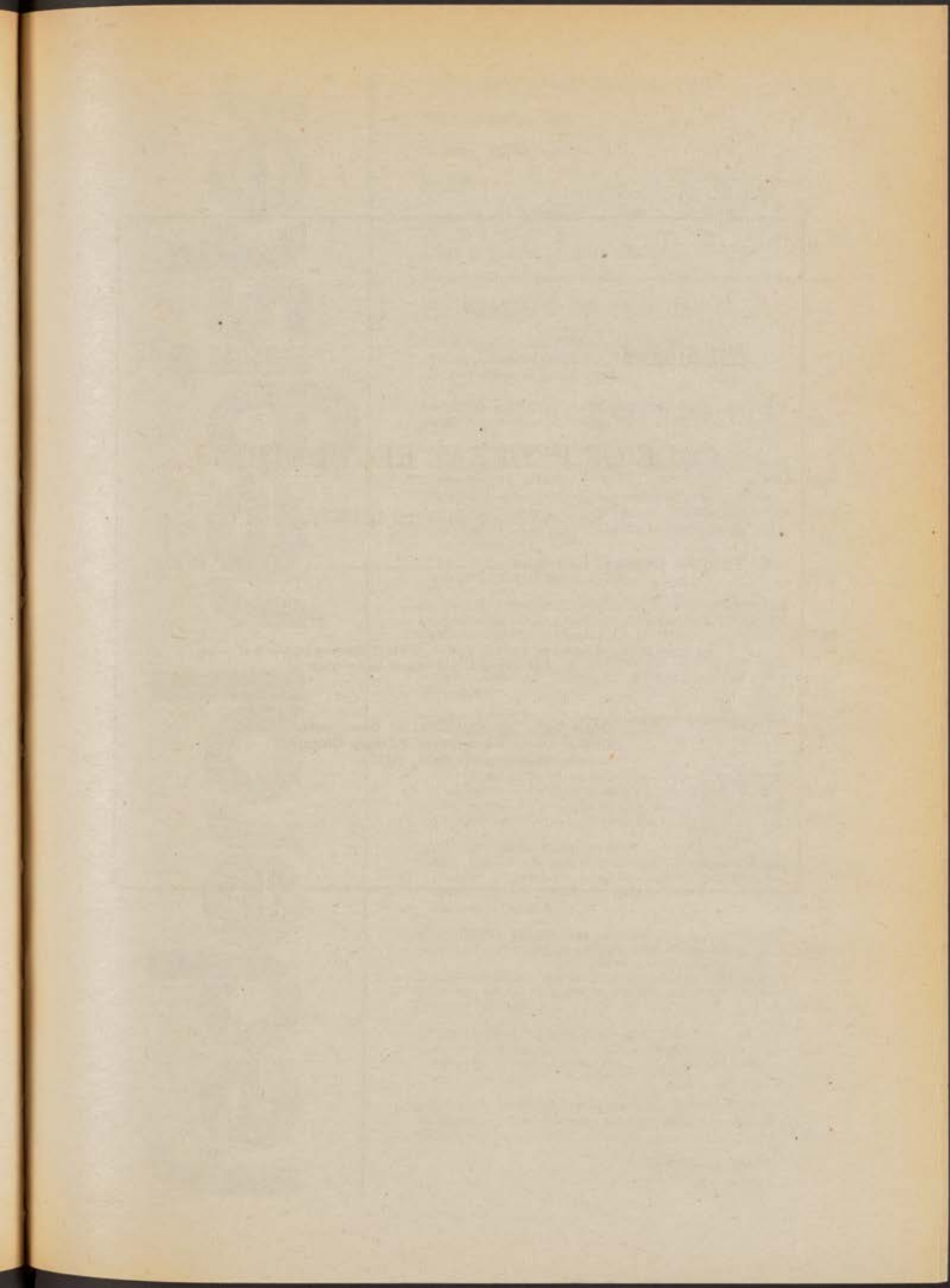
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