federal register

TUESDAY, FEBRUARY 6, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 24

Pages 3379–3496

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

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list RULES GOING INTO EFFECT TODAY.

federal register

Area Code 202 Phone 962-8626

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Rules and Regulations

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 18—RECREATION FEES

Golden Eagle program. The Department of the Interior announces final rules for collection of entrance and special recreation use fees at designated Federal recreation areas or facilities.

On December 12, 1972, notice of proposed rule making regarding the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended by the Act of July 11, 1972, which restores the Golden Eagle program, was published in the FEDERAL REGISTER (37 FR 26424). After consideration of all such relevant matter as was presented by interested persons, the establishment of recreation fees as so proposed is hereby adopted, subject to the following changes:

1. The description of Authorities immediately preceding § 18.1 is changed by inserting after "16 U.S.C." the following: "4601–4 et seq. (1970), and 86 Stat. 461, 18 U.S.C. 715 (Supp. II, 1972)."

2. The first paragraph of § 18.1 is changed by inserting after "86 Stat. 459" the following: ", 16 U.S.C. 4601–4 et seq., and 86 Stat. 461, 18 U.S.C. 715."

3. In paragraph (b) of § 18.7 Fees for single-visit permits, the words "the one Designated Fee Area" are changed to read "the one Designated Entrance Fee Area". In paragraph (c) of this same section, the words "charged at Designated Fee Areas" are changed to read "charged at Designated Entrance Fee Areas".

4. Section 18.13 Enforcement is changed by inserting after the word "Part" the following: ", except those in § 18.16,".

5. The heading of § 18.14 is changed by replacing the word "Exclusion" with the word "Exclusions".

6. Subparagraph (2) of § 18.16 The Golden Eagle Insignia is changed by replacing the word "Part" with the word "section".

Effective date. This establishment of recreation fees is effective January 1, 1973.

CHARLES G. EMLEY,
Deputy Assistant Secretary of the Interior.

FEBRUARY 1, 1973.

Part 18 of Subtitle A of Title 43 of the Code of Federal Regulations is revised to read as follows:

AUTHORITY: Section 4, Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended by the Act of July 11, 1972, 86 Stat. 459, 16 U.S.C. 460 l–4 et seq. (1970), and 86 Stat. 461, 18 U.S.C. 715 (Supp. II, 1972).

§ 18.1 Application.

This part is promulgated pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended by the Act of July 11, 1972, 86 Stat. 459, 460 l–4 et seq., and 86 Stat. 461, 18 U.S.C. 715 (Supp. II, 1972).

(a) Any entrance fee which may be charged by the National Park Service at designated units of the National Park System shall be selected from the schedule of fees according to the criteria set forth in this part.

(b) Special recreation use fees charged by any bureau of the Department of the Interior for the use of sites, facilities, equipment, or services furnished at Federal expense shall be selected from the range of special recreation use fees set forth in this part or according to criteria set forth in this part.

§ 18.2 Types of Federal recreation fees.

There shall be two types of Federal recreation fees: (a) Entrance fees for admission to any Designated Entrance Fee Area, and (b) special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense, or for group activities, recreation events, motorized recreation vehicles, or for other specialized recreation uses. There shall be two types of entrance fees: (1) Fees for annual permits, which shall gain admission into any "Designated Entrance Fee Area" during the calendar year for which the fees are paid when entry is by a single, private, noncommercial vehicle, and (2) fees for single visits to any Designated Entrance Fee Areas, which shall be applicable to persons who choose not to purchase the annual permit or who enter such an area by means other than by a single, private, noncommercial vehicle.

§ 18.3 Designation.

(a) An area or closely related group of areas shall be designated as an area at which entrance fees shall be charged (hereinafter "Designated Entrance Fee Area") if the following conditions are found to exist concurrently:

(1) The area is a unit of the National Park System administered by the Department of the Interior;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that fee collection is administratively and economically practical.

(b) Any specialized sites, facilities, equipment, services, or closely related groups of facilities related to outdoor recreation (hereinafter "facilities") shall be designated as facilities for which special recreation use fees shall be charged (hereinafter "Designated Special Recreation Use Facilities") if the following conditions are found to exist concurrently:

(1) The facilities are developed, administered, or provided by any bureau of the Department of the Interior;

(2) The facilities are provided at Federal expense;

(3) The nature of the facilities is such that fee collection is administratively and economically practical;

(4) A substantial investment has been made in the facilities;

(5) The facilities require regular maintenance;

(6) The facilities are utilized for the personal benefit of the user for a fixed period of time; and

(7) The facilities are not the kind of facilities which virtually all visitors might reasonably expect to use without charge, including, but not limited to, such facilities as roads, trails, overlooks, visitor centers, wayside exhibits, or picnic areas.

§ 18.4 Posting.

The heads of the bureaus of the Department of the Interior shall provide for the posting of designation signs at all entrances to Designated Entrance Fee Areas and at areas with Designated Special Recreation Use Facilities in a manner such that the visiting public will be clearly notified that entrance or special recreation use fees are charged.

(a) All Designated Entrance Fee Areas shall be posted with a sign as indicated below with the following characteristics:

(1) Be constructed of enameled steel, coated aluminum, silk screen reflective materials attached to wood or metal, or other permanent materials;

(2) Consist of the basic elements, proportion, and color as indicated below:

(i) The Golden Eagle Insignia (hereinafter defined in § 18.16) with the words "The Golden Eagle" and the rep-

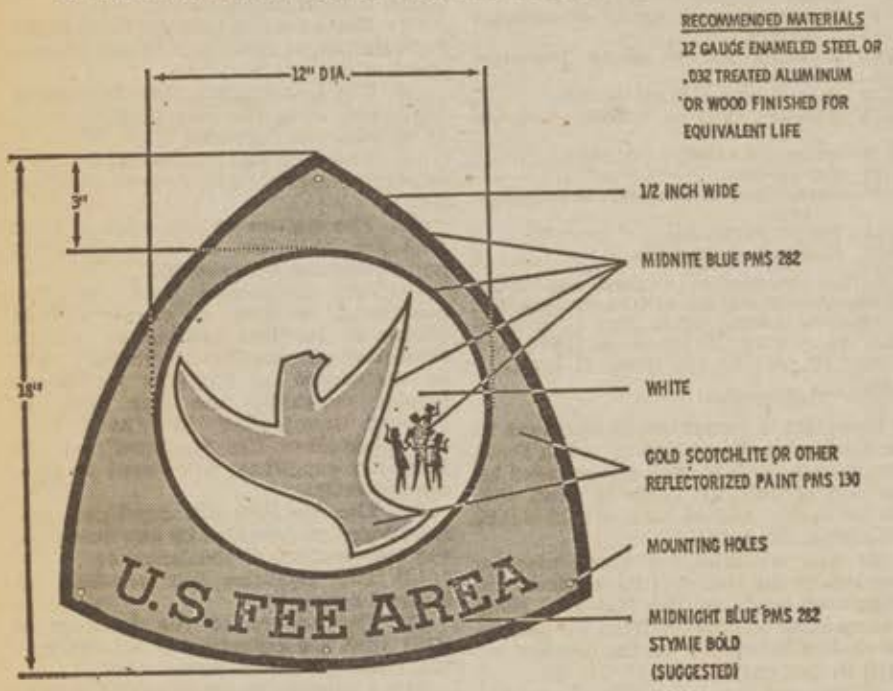
resentation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border).

(a) The color midnight blue shall be Pantone Matching System 282; the color gold shall be Pantone Matching System 130;

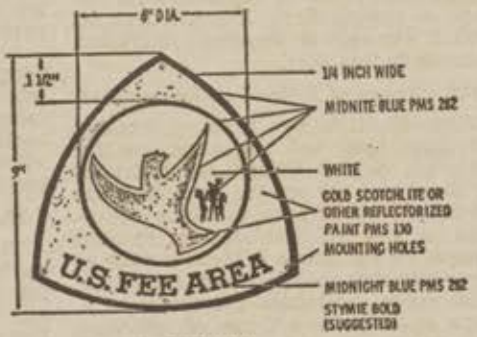
(b) The rounded triangle shall be 18 inches in vertical height at all Designated Entrance Fee Areas, except that at those areas entered only on foot, the rounded triangle may be 9 inches in vertical height;

(ii) Contains the words "U.S. Fee Area" as indicated below.

SPECIFICATIONS FOR OFFICIAL DESIGNATION SIGN



DIMENSIONS FOR STANDARD SIGN



DIMENSIONS FOR OPTIONAL HALF-SIZE SIGN FOR WALK-IN AREAS

(b) All Designated Special Recreation Use Facilities shall be posted with signs identical to the above described sign.

(c) Appropriately sized replicas of the above described signs may be used in conjunction with all other signs erected by any bureau of the Department of the Interior which direct the public to Designated Entrance Fee Areas or Designated Special Recreation Use Facilities. Such signs may also be used in combination with other Federal recreation fee signs or incorporated into larger Federal recreation fee signs by the bureaus of the Department of the Interior or other Federal recreation agencies.

(d) No entrance fee or special recreation use fee established pursuant to this part shall be effective at any Designated Entrance Fee Area and/or Designated Special Recreation Use Facilities until that area or those facilities have been posted.

§ 18.5 Golden Eagle Passport.

(a) The Golden Eagle Passport is an annual permit, valid on a calendar-year basis, for admission to any Designated Entrance Fee Area. The charge for the Golden Eagle Passport shall be $10.

(b) The Golden Eagle Passport shall admit the purchaser and any person accompanying him in a single, private, noncommercial vehicle to Designated Entrance Fee Areas where entrance or admission fees are charged during the period for which the permit is valid.

(c) "Private, noncommercial vehicle," for the purpose of this part, shall include any passenger car, station wagon, pickup camper truck, motorcycle, or other motor vehicle which is conventionally used for private recreation purposes.

(d) The annual Golden Eagle Passport does not authorize any use of facilities which have been designated as Designated Special Recreation Use Facilities for which special recreation use fees shall be charged.

(e) The annual Golden Eagle Passport shall be for sale in all post offices of the first and second class and at such others as the Postmaster General shall direct, and at Designated Entrance Fee Areas of the National Park Service.

§ 18.6 Golden Age Passport.

(a) Issuance of the Golden Age Passports:

(1) Golden Age Passports will be issued by appropriate Federal personnel (hereinafter "Issuing Officer") at all post offices of the first and second class and at such others as the Postmaster General shall direct, and at field offices designated by the heads of the bureaus administering Designated Entrance Fee Areas and Designated Special Recreation Use Facilities.

(2) Golden Age Passports will be issued free of charge upon the presentation of valid, suitable identification which attests to the fact that a person is 62 years of age or older. Such identification may include, but is not limited to, a State driver's license, a birth certificate, etc.

(3) Those persons 62 years of age or older not having in their possession any valid, suitable identification may be issued a Golden Age Passport on the basis of the affidavit below, if such an affidavit is signed in front of the Issuing Officer.

_____ Passport No. _____ Date

To the Secretary of the Interior:

I do hereby swear or affirm that I am 62 years of age or older and that I am duly entitled to be issued free of charge one Golden Age Passport pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended by the Act of July 11, 1972, 86 Stat. 459.

_____
Signature

_____
Street

_____
Town/City, State

_____
Issuing officer

(4) The Passport must be applied for in person and signed in front of the

Issuing Officer or otherwise it will be treated as invalid.

(b) The Golden Age Passport shall admit the bearer and any person accompanying him in a single, private noncommercial vehicle to Designated Entrance Fee Areas where entrance fees are charged during the period for which the permit is valid. The bearer of a valid Golden Age Passport shall be entitled upon presentation of the Passport to utilize Designated Special Recreation Facilities at a rate of 50 percent of the established daily fee charged for such facilities.

(c) The Golden Age Passport is an annual permit valid for the calendar year for which it is issued.

§ 18.7 Fees for single-visit permits.

(a) There shall be two types of fees for single-visit permits charged at Designated Entrance Fee Areas: One applicable to those entering by private, noncommercial vehicle and one applicable to those entering by any other means.

(b) The fee for a single-visit permit applicable to those entering by private, noncommercial vehicle shall be $1 to $3 per vehicle per day at the discretion of the heads of the bureaus. The single-visit permit shall be valid only at the one Designated Entrance Fee Area for which it is paid. The single-visit permit shall admit, without further payment, the purchaser and all persons accompanying him in a private, noncommercial vehicle during its period of validity.

(c) The fee for a single-visit permit charged at Designated Entrance Fee Areas, applicable to those entering by any means other than private, noncommercial vehicle shall be $0.50 to $1.50 per person per day at the discretion of the heads of the bureaus and shall be valid at the one Designated Entrance Area for which it is paid.

(d) Any of the permits provided for in paragraphs (b) and (c) of this section shall be valid at the Designated Entrance Fee Area for which it was purchased during the same calendar day or days for which it was purchased. In addition, at areas in which overnight use is permitted, such permits shall be valid until noon of the day following the last day for which entrance fees were paid, except as otherwise posted.

§ 18.8 Validation and display of entrance permits.

(a) Every annual permit shall be validated by the signature of its bearer on the face of the permit at the time of its receipt.

(b) All annual and single-visit permits shall be nontransferable.

(c) Every permit shall be kept on the person of its owner, and shall be exhibited on the request of any authorized representative of the administering bureau.

§ 18.9 Establishment of special recreation use fees.

(a) Special recreation use fees shall be selected by all outdoor recreation administering bureaus of the Department of the Interior from within the range of fees listed below provided that such fees are established in accordance with the following criteria:

(1) The direct and indirect cost to the Government;

(2) The benefit to the recipient;

(3) The public policy or interest served;

(4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged;

(5) The economic and administrative feasibility of fee collection; and

(6) Other pertinent factors.

(b) Special recreation use fees may be established for other types of facilities in addition to those which are listed below in such amounts as are recommended by the Secretary of the Interior.

(c) Range of Special Recreation Use Fees:

Camp and trailer sites	Up to $4.50 for overnight use.
Group camping sites	Up to $0.50 per person per day.[1]
Highly developed boat launching sites.	Up to $1.50 per boat per day.
Lockers	$0.10 per locker daily.
Boat storage and handling	To be established at a daily, weekly, monthly, or annual rate in accord with the criteria set forth in this section.
Elevators	At least $0.10 per person round trip.
Ferries and other means of transportation.	To be established at a rate in accord with the criteria set forth in this section.
Bathhouses	Up to $0.50 per person per day.
Swimming pools	To be established at a daily rate in accord with the criteria set forth in this section.
Overnight shelters	To be established at a daily rate in accord with the criteria set forth in this section.
Precut firewood	To be established at a rate in accord with the criteria set forth in this section.
Guided tours	To be established at a rate in accord with the criteria set forth in this section.
Electrical hook-ups	Up to $1 per hook-up per day.
Vehicle and trailer storage	To be established at a daily, weekly, monthly, or annual rate in accord with the criteria set forth in this section.
Boats, nonmotorized	A minimum of $1 per boat per day or fraction thereof.
Boats, motorized	A minimum of $5 per boat per day or fraction thereof.
Specialized sites (highly developed multiuse sites).	Up to $1.50 per person per day.

[1] Heads of administering agencies or departments may select group use rates in lieu of the above "Group Camping Sites" special recreation fee, and may establish a minimum group use charge of at least $3 per day per group without regard to group size or other provisions of this part.

(d) Daily use fees for overnight occupancy within areas specially developed for such use shall be determined on the basis of the value of the capital improvements offered, the cost of the services furnished, and other pertinent factors.

§ 18.10 Special recreation use permits.

Notwithstanding other sections of this part, special recreation permits for uses such as group activities, recreation events, motorized recreation vehicles, and other specialized recreation uses may be issued in accordance with procedures and fees established by the bureau involved.

§ 18.11 Effective dates of Federal recreation fees.

Effective January 1, 1973, the fees provided for in this part shall be charged at every posted Designated Entrance Fee Area and for posted Designated Special Recreation Use Facilities.

§ 18.12 Collection of Federal recreation fees.

Heads of the bureaus of the Department of the Interior shall provide for the collection of fees at posted Designated Entrance Fee Areas and for posted Designated Special Recreation Use Facilities.

§ 18.13 Enforcement.

Persons authorized by the heads of the appropriate bureaus to enforce these regulations may, within areas under the administration or authority of such bureau head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates these rules and regulations. Any violations of the rules and regulations issued in this part except those in § 18.16, shall be punishable by a fine of not more than $100.

§ 18.14 Exceptions, exclusions, and exemptions.

In the application of the provisions of this part, the following exceptions, exclusions, and exemptions shall apply:

(a) Nothing contained herein shall authorize Federal hunting or fishing licenses or fees;

(b) No entrance fee shall be charged for travel by private noncommercial vehicle over any National Parkway, or any road or highway established as part of the National Federal-Aid System, which is commonly used by the public as a means of travel between two places, either or both of which are outside the area;

(c) No entrance fee shall be charged for travel by private noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any designated Federal recreation fee area.

(d) No entrance fee shall be charged for commercial or other activities not related to recreation, including but not

limited to organized tours or outings conducted for educational or scientific purposes related to the resources of the area visited by bona fide institutions established for these purposes; nor shall any entrance fee be charged any hospital inmate actively involved in medical treatment or therapy in the area visited.

(e) No entrance fee shall be charged any person conducting State, local, or Federal government business.

(f) No entrance fee shall be charged at any entrance to Great Smoky Mountains National Park unless such fees are charged at main highway and thoroughfare entrances.

(g) No entrance fees shall be charged for persons who have not reached their 16th birthday.

(h) Until July 12, 1975, no entrance fees shall be charged foreign visitors to the United States seeking admission to Designated Entrance Fee Areas upon presentation of a valid passport.

(i) No entrance fees shall be charged persons having a right of access to lands or waters within a Designated Entrance Fee Area for hunting or fishing privileges under a specific provision of law or treaty.

§ 18.15 Public notification.

The administering bureaus shall notify the public of the specific Federal recreation fees which will be charged for each Designated Entrance Fee Area and Designated Special Recreation Use Facilities under their respective jurisdictions. Such notification shall be accomplished by posting such information at each area and facility, and by local public announcements, press releases, publications distributed at each area or facility, and other suitable means.

§ 18.16 The Golden Eagle Insignia.

(a) *Definitions.* (1) The term "The Golden Eagle Insignia" (hereinafter "Insignia") as used in this section, means the words "The Golden Eagle" and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border) which was originated by the Department of the Interior as the official symbol for Federal recreation fee areas.

(2) The term "Secretary" as used in this part, means the Secretary of the Interior or any person designated to act for him in any matter to which this section refers.

(3) The term "commercial use," as used in this part, refers to any use, including the reproduction, manufacture, importation, or distribution, of the Insignia the primary purpose of which is to make a profit.

(4) The term "public service use," as used in this part, refers to any use, including the reproduction, manufacture, importation, or distribution, of the Insignia the primary purpose of which is to contribute to the public's information and education about the Federal recreation fee program.

(5) The term "official use" refers to uses of the Insignia pursuant to §§ 18.4, 18.5, 18.6, 18.8, 18.10, and 18.15, including, but not limited to the posting of Designated Entrance Fee Areas and Designated Special Recreation Facilities, and the design of Golden Eagle and Golden Age Passports.

(6) The Golden Eagle program refers to the Federal outdoor recreation fee program, which provides for the Designation of Entrance Fee Areas and Special Recreation Use Facilities, the issuance of Golden Eagle and Golden Age Passports, and the collection and enforcement of fees at Federal areas and facilities, established by the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended.

(b) *Licenses for commercial and public service use.* (1) Any person, business, or organization (hereinafter called the applicant) wishing a license for commercial or public service use of the Insignia must make written application to the Secretary stating:

(i) The nature and scope of the intended use.

(ii) The applicant's name and address.

(iii) The nature of the applicant's business or activities, and the relationship between the intended use and said business or activities.

(2) The Secretary, in determining whether to grant a license for the commercial use of the Insignia, will consider the following criteria:

(i) Whether the intended use will be an enhancement of the Golden Eagle program which would complement the program as it is administered by Federal recreation agencies and departments.

(ii) Whether the intended use is likely to cause confusion, or to cause mistake, or to deceive the general public by creating the impression that the use is official.

(iii) Whether the intended use is injurious to the integrity of the concept of the Insignia.

(iv) Whether the intended use is capable of generating enough royalty fee revenue to justify the administrative costs of licensing.

(3) The Secretary, in determining whether to grant a license for the public service use of the Insignia, will consider the following criteria:

(i) Whether the intended use will be an enhancement of the Golden Eagle program which would complement the program as it is administered by Federal recreation agencies and departments.

(ii) Whether the intended use is injurious to the integrity of the concept of the Insignia.

(4) Any license granted by the Secretary for commercial use of the Insignia is subject to the following terms and conditions:

(i) The license is nontransferable.

(ii) All proposed uses of the Insignia must be approved by the Secretary prior to manufacture, importation, or reproduction by the licensee. The Insignia shall not be used in conjunction with substances inherently dangerous to the public.

(iii) The license shall contain equal employment opportunity provisions in compliance with Executive Order 11246, 30 F.R. 12319 (1965), as amended, and regulations issued pursuant thereto (41 CFR Ch. 60) unless the royalty fees to be paid under the license are not expected to exceed $10,000.

(iv) The license shall be subject to revocation by the Secretary at any time that he finds that: (*a*) The criteria under which the license was granted are not being fulfilled; or (*b*) there has been a violation of the terms and conditions of the license.

(5) Any license granted by the Secretary for public service use of the Insignia is subject to the following terms and conditions:

(i) The license is nontransferable.

(ii) All proposed uses of the Insignia must be approved by the Secretary prior to manufacture, importation, reproduction, or distribution by the licensee.

(iii) The license shall be subject to revocation by the Secretary at any time that he finds that: (*a*) The criteria under which the license was granted are not being fulfilled; or (*b*) there has been a violation of the terms and conditions of the license.

(c) *Unauthorized use of the Insignia.* (1) Unauthorized use of the Insignia is all use except: The licensed commercial use or public service use of the Insignia; official use of the Insignia; and any lawful use of the Insignia, similar emblem, sign or words which antedates the Act of July 11, 1972, 86 Stat. 459.

(2) Whoever makes unauthorized use of the Insignia or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake or to deceive the public by creating the impression that the use is official, shall be fined not more than $250 or imprisoned not more than 6 months or both.

(3) Any unauthorized use of the Insignia may be enjoined at the suit of the Attorney General upon complaint by the Secretary.

(d) *Royalty fees for commercial and public service use.* (1) Royalty fees for licensed commercial use of the Insignia shall be established at reasonable rates by contract between the licensee and the Secretary.

(2) Royalty fees for licensed public service use of the Insignia shall be waived by the Secretary.

(e) *Abandonment of the Golden Eagle Insignia.* The rights of the United States in the Golden Eagle Insignia shall terminate if the use of the Insignia is abandoned by the Secretary. Nonuse for a continued period of 2 years shall constitute abandonment.

[FR Doc.73-2249 Filed 2-5-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18471; FCC 73-40]

PART 73—RADIO BROADCAST SERVICES

Type Approval of Antenna Monitors; Correction

In the matter of amendment of Part 73 of the Commission's rules and regula-

tions with respect to maintenance and monitoring of the relative phases and currents in the elements of directional antennas and to provide for type approval of phase monitors used by standard broadcast stations, Docket No. 18471.

In the appendix to the report and order in the above-entitled matter, FCC 73-40, adopted January 10, 1973 (38 FR 1913), corrections are made as follows:

1. In amendment 3., which adopts a new § 73.69, the reference in § 73.69 (b)(4) to § 73.114(a)(8)(ii) is amended to read § 73.114(a)(9)(ii).

2. In amendment 3., the reference in paragraph (3) of the note at the end of § 73.69 to § 73.113(a)(4)(ii) is amended to read § 73.113(a)(3)(ii).

Released: January 30, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-2264 Filed 2-5-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003—LIST OF FORMS

Application for Exemption

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of September 1972.

It is ordered, That application Form BWC 4 be, and it is hereby, vacated and set aside, and it shall be superseded by the Form OP-WC-10, as set forth in the appendix hereto.[1]

(Secs. 302(e) and 303(h); 49 CFR Parts 402 and 403)

It is further ordered, That § 1003.2 of Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to add heading OP-WC-10, which shall read as follows:

§ 1003.2 OP-WC-10.

Application for exemption under part III of the Interstate Commerce Act under section 302(e) or 303(h); revised September 29, 1972.

It is further ordered, That this order shall become effective on February 12, 1973.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for 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.73-2258 Filed 2-5-73;8:45 am]

[1] Filed as part of the original document.

PART 1003—LIST OF FORMS

PART 1150—APPLICATIONS FOR PERMITS

Application for Freight Forwarder Permit

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 31st day of October 1972.

Pursuant to section 410 of the Interstate Commerce Act, and good cause appearing therefor, the use of a new form for application to operate as a freight forwarder, under Part IV of the Act, being under consideration:

It is ordered, That application Forms FF-1 and FF-2 be, and they are, hereby, vacated and revoked.

It is further ordered, That application form Freight Forwarder Permit, Form OP-FF-10 (49 CFR 1003.3), which is attached hereto and incorporated into this order, be, and it is hereby, prescribed and approved.[1]

It is further ordered, That § 1003.3 be, and it is hereby, amended by the revocation of subheads FF-1 and FF-2, and the addition of subhead OP-FF-10 as follows:

§ 1003.3 Freight forwarder forms.

* * * * *

OP-FF-10. Application for a freight forwarder permit under section 410 of the Act.

* * * * *

(Sec. 410)

It is further ordered, That in view of the action taken above, Part 1150 be, and it is hereby, revoked.

It is further ordered, That this order shall become effective on February 12, 1973.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission:

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2259 Filed 2-5-73;8:45 am]

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. 280]

PART 1311—SPECIAL PROCEDURES FOR TARIFF FILINGS UNDER THE WAGE AND PRICE STABILIZATION PROGRAM

Special Procedures for Tariff Filings Under the Wage and Price Stabilization Program

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 30th day of January 1973.

The Interstate Commerce Commission, by order entered July 13, 1972, adopted revised rules and regulations prescribing special procedures for tariff filings under the wage and price stabilization program. These rules and regulations require revision to conform to, and to implement, Executive Order 11695 and §§ 130.80-81 of the regulations of the Cost of Living Council, as revised January 11, 1973, 38 FR 1484, January 12, 1973. Therefore, and for good cause appearing:

It is ordered, That pursuant to authority of sections 6(6), 217(a), 218(a), 306(b), 306(c), and 405(b) of the Interstate Commerce Act, 49 U.S.C. 6(6), 317(a), 318(a), 906(b), 906(c), and 1005(b), and the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-210, 85 Stat. 743; Executive Order No. 11695; and § 130.81 of the regulations of the Price Commission, 38 FR 1484, January 12, 1972, the following said rules and regulations are adopted:

§ 1311.5 Standards applicable during Phase III of the wage and price stabilization program.

(a) This section supersedes §§ 1311.0-1311.4 and the appendix thereto. However, the provisions of §§ 1311.0-1311.4, to the extent that they are pertinent under Phase III of the wage and price stabilization program, serve as guides in applying the standards established for public utilities by the Cost of Living Council (6 CFR 130.81) and set forth in paragraph (b) of this section. In implementing this section, the Commission will continue to apply the exemptions set forth in § 1311.0(d) (1)-(7) and the Cost of Living Council's small business exemption (6 CFR 130.40).

(b) Increases in the rates, as defined in section 15a(1) of the Interstate Commerce Act (49 U.S.C. 15a(1)), for transportation services subject to Parts I, II, III, and IV of the Act, effective January 11, 1973, should be consistent with the following criteria:

(1) The increase is cost justified and does not reflect future inflationary expectations;

(2) The increase is the minimum required to assure continued adequate and safe service or to provide for necessary expansion to meet future requirements;

(3) The increase will achieve the minimum rate of return needed to attract capital at reasonable costs and will not impair the credit of the public utility;

(4) The increase takes into account expected and obtainable productivity gains.

(c) The Commission, acting upon its own motion or upon protest filed by any interested person, in any case in which it finds that there is good reason to believe that a proposed rate increase is not in conformity with the standards set forth in paragraph (b) of this section, may suspend the proposed increase in whole or in part and investigate the proposal. In such an investigation, the burden of proof shall be upon the proponent of the increase to establish compliance with those standards.

(d) In order to lessen the possibility of suspension, as described in paragraph (c) of this section, the proponent of a proposed increase may, at the time the proposed increase is filed with the Com-

[1] Filed as part of the original document.

mission, voluntarily submit evidence establishing that the proposed increase meets the standards set forth in paragraph (b) of this section. Nothing in this section shall be construed as constituting a waiver of the requirements contained in Procedures Governing Rail Carrier General Increase Proceedings, 49 CFR Part 1102, or in Procedures to be Followed in Motor Carrier Revenue Proceedings, 49 CFR Part 1104.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2257 Filed 2-5-73;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 33—SPORT FISHING

Arapaho National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on February 6, 1973.

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

COLORADO

ARAPAHO NATIONAL WILDLIFE REFUGE

Sport fishing on the Arapaho National Wildlife Refuge, Colo., is permitted from January 1 through May 31 and August 1 through December 31, 1973, inclusive, on the area designated by signs as open to fishing. This open area is delineated on maps available at refuge headquarters, Walden, Colo. 80480, and from the Area Manager, Bureau of Sport Fisheries and Wildlife, Federal Building, Room 2215, 125 South State Street, Salt Lake City, UT 84111. Sport fishing shall be in accordance with all applicable State regulations.

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.

M. A. MARSTON,
Regional Director.

JANUARY 24, 1973.

[FR Doc.73-2215 Filed 2-5-73;8:45 am]

PART 33—SPORT FISHING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on February 6, 1973.

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

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Sport fishing on the Bear River Migratory Bird Refuge, Utah, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Area Manager, Federal Building, Room 2215, 125 South State Street, Salt Lake City, UT 84111. Sport fishing extends from January 1 through December 31, 1973, inclusive, in accordance with all applicable State regulations subject to the following special conditions:

(1) The use of boats is prohibited below the river control gates at refuge headquarters.

(2) Fishermen are required to register at the refuge office upon entering the refuge.

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.

M. A. MARSTON,
Regional Director.

JANUARY 24, 1973.

[FR Doc.73-2216 Filed 2-5-73;8:45 am]

PART 33—SPORT FISHING

National Elk Refuge, Wyo.

The following special regulation is issued and is effective on February 6, 1973.

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

WYOMING

NATIONAL ELK REFUGE

Sport fishing on the National Elk Refuge, Wyo., is permitted only on the areas designated by State fishing orders as open to fishing. These open areas, comprising 327 acres, are delineated on maps available at refuge headquarters, Jackson, Wyo., and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Post Office Box 1296, Billings, MT 59103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

Use of boats or other floating devices is not permitted.

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 October 31, 1973.

M. A. MARSTON,
Regional Director.

JANUARY 24, 1973.

[FR Doc.73-2218 Filed 2-5-73;8:45 am]

PART 33—SPORT FISHING

Pathfinder National Wildlife Refuge, Wyo.

The following special regulation is issued and is effective on February 6, 1973.

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

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Sport fishing on the Pathfinder National Wildlife Refuge, Wyo., is permitted from January 1 through December 31, 1973, inclusive, on all areas not designated as closed to fishing by signs. These open areas, comprising 16,807 acres, are delineated on maps available at refuge headquarters, Walden, Colo. 80480, and from the Area Manager, Bureau of Sport Fisheries and Wildlife, Federal Building, Room 2215, 125 South State Street, Salt Lake City, UT 84111. Sport fishing shall be in accordance with all applicable State regulations.

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.

M. A. MARSTON,
Regional Director.

JANUARY 24, 1973.

[FR Doc.73-2217 Filed 2-5-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 352—REEMPLOYMENT RIGHTS

Subpart F—Reemployment Rights After Service in the Economic Stabilization Program

Correction

In FR Doc. 73-1492, appearing at page 2327 for the issue of Wednesday, January 24, 1973, in the fifth line of paragraph (b) of § 352.605, the word "under" should read "after".

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grade Evaluation of Tomatoes for Processing[1]

On February 15, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 3363) regarding the revision of U.S. Standards for Grade Evaluation of Tomatoes for Processing (7 CFR 51.3310-51.3318) and the

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

termination of U.S. Standards for Canning Tomatoes (7 CFR 51.4240–51.4250) and U.S. Standards for Grades of Tomatoes for Manufacture of Strained Tomato Products (7 CFR 51.4260–51.4267).

These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the revision of the grade standards. The U.S. Standards for Grade Evaluation of Tomatoes for Processing were issued in February 1964. Since that time, there have been a number of major changes in tomato product handling and processing methods associated with the development of mechanical harvesting, bulk handling, new cultural practices, new varieties, and reduced use of hand labor in processing operations. At the request of the National Canners Association a study draft to consider revision of these standards was issued in June 1971. A full crop season was allowed for study and testing.

Following the 1971 season, from comments and a review of the findings of several studies, a proposed revision of the standards was published. In order to provide the industry ample time to study and apply these proposed standards a full crop season was allowed for comments. Following publication of the proposal in the FEDERAL REGISTER copies were widely distributed to individuals and to groups and organizations of tomato growers and processors.

USDA's Agricultural Marketing Service representatives discussed and explained the proposed standards at meetings of growers and processors in the Midwest and Eastern tomato producing States. The proposed standards were used in New Jersey this past season as the sole basis for contracts between growers and processors. Experimental studies were conducted in Indiana during the season with grower and processor groups cooperating to evaluate identical samples by both the proposed and official standards. A number of processors conducted studies during the season to evaluate the proposal.

USDA representatives met with the Tomato Advisory Committee of the American Agricultural Marketing Association and the National Canners Ad Hoc Committee on Tomato Grading to discuss the proposal and review the findings of studies conducted during the 1972 season.

The period for comment ended on November 30, 1972, and six letters of comment were received in response to the proposal. Practically all comments were from growers and processors, or organizations representing them from Midwest and Eastern producing States. Most of the views expressed by members of the Tomato processing industry specified the points in the proposal which were acceptable or those which were considered undesirable. There was unfavorable response concerning the proposal to limit the number of Categories to three instead of the four which appeared in the 1971 study draft, and that tomatoes in Category B should be evaluated on the basis of a combination of mold, decay, and other defects. Both grower and processor groups recommended that tomatoes affected by mold and decay should be restricted in a new Category C. There was also strong objection to the proposal to down-grade tomatoes with attached stems over 1 inch in length and to tighten the requirements relating to "firmness." Both growers and processors objected to the subjective evaluation of "mechanical damage" as specified in the Defect Classification Guide section.

It is inevitable that there will be differences of opinion among growers and processors concerning the requirements in the standards. It is the responsibility of the Agricultural Marketing Service to provide voluntary grade standards which are useful to the entire tomato industry. The revised standards incorporate certain requirements from, and supersede the U.S. Standards for Canning Tomatoes, effective December 31, 1938; and U.S. Standards for Grades of Tomatoes for Manufacture of Strained Tomato Products, effective March 1, 1933. Also the title is changed from U.S. Standards for Grade Evaluation of Tomatoes for Processing to U.S. Standards for Grades of Tomatoes for Processing. The following changes from the published proposal should result in standards with reasonable requirements which will gain acceptance from the tomato processing industry.

(1) The number of grade categories will be increased from three to four. "Category B" tomatoes will be required to be free from mold or decay and a "Category C" will be provided for tomatoes affected by mold or decay, including Anthracnose, to not more than 10 percent by weight of the individual tomato.

(2) "Category A" tomatoes will be required to be firm, meaning that the tomato is not so water-soaked, soft, shriveled, or puffy that it will lose more than 10 percent of its weight during the peeling or washing process. "Categories B and C" tomatoes will be required to be fairly firm, in response to several recommendations. Fairly firm means that the tomato is not so soft that it will lose more than 20 percent of its weight during the processing process.

(3) "Category A" tomatoes will be required to be free from mechanical damage, meaning when more than one locule is exposed or when causing a waste of more than 10 percent. "Category B" tomatoes will be required to be free from mechanical damage when more than two locules are exposed or when causing a waste of more than 20 percent of the individual tomato.

(4) "Free from stems over 1 inch in length" will remain a requirement in "Category A." However, stems over 1 inch in length but not over 3 inches are permitted in "Categories B and C," in response to both grower and processor recommendations.

(5) The calculation of percent usable and percent waste will change to reflect the addition of one category, as follows: Total weight of A's+85 percent of B's+75 percent of C's=percent usable.

After consideration of all relevant matters presented by interested persons, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Tomatoes for Processing are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GENERAL

Sec.
51.3310 General.

CATEGORIES

51.3311 Category A.
51.3312 Category B.
51.3313 Category C.

CULLS

51.3314 Culls.

PERCENT USABLE

51.3315 Percent usable.

PERCENT WASTE

51.3316 Percent waste.

COLOR EVALUATION

51.3317 Color evaluation.

EXTRANEOUS MATERIAL

51.3318 Extraneous material.

DEFINITIONS

51.3319 Firm.
51.3320 Fairly firm.
51.3321 Worm injury.
51.3322 Mold or decay.
51.3323 Freezing.
51.3324 Green.
51.3325 Mechanical damage.
51.3326 Defect classification guide.

METRIC CONVERSION TABLE

51.3327 Metric conversion table.

AUTHORITY: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.3310 General.

(a) The standards contained in this subpart apply to an inspection procedure for determining the quality of tomatoes for processing based on two factors: (1) Color measurement by use of a photoelectric instrument (USDA Tomato Colorimeter) or subjective visual color evaluation of individual fruit; and, (2) classification of defects. Calculation of percentages shall be on the basis of weight.

CATEGORIES

§ 51.3311 Category A.

"Category A" consists of tomatoes which meet the following requirements:

(a) Basic requirements:

(1) Firm; and,

(2) Color:

(i) Tomato color index (TCI) shall be as specified in § 51.3317; or

(ii) Fairly well colored. (See § 51.3317.)

(b) Free from:

(1) Any worm attached;

(2) Worm injury;

(3) Freezing;

(4) Stems over 1 inch in length;

(5) Mechanical damage when more than one locule is exposed or when causing a loss of more than 10 percent by weight, of the tomato;

(6) Mold or decay; and,

(7) Any other defect or combination of defects, the removal of which in the preparation for processing causes a loss of more than 10 percent, by weight, of the tomato.

§ 51.3312 Category B.

"Category B" consists of tomatoes which meet the following requirements:

(a) Basic requirements:

(1) Fairly firm; and,

(2) Color;

(i) Tomato color index (TCI) shall be as specified in § 51.3317; or,

(ii) Fairly well colored. (See § 51.3317.)

(b) Free from:

(1) Any worm attached;

(2) Worm injury;

(3) Freezing;

(4) Stems over 3 inches in length;

(5) Mechanical damage when more than two locules are exposed or when causing a loss of more than 20 percent by weight, of the tomato;

(6) Mold or decay; and,

(7) Any other defect or combination of defects, the removal of which in the preparation for processing causes a loss of more than 20 percent, by weight, of the tomato.

§ 51.3313 Category C.

"Category C" consists of tomatoes which meet the following requirements:

(a) Basic requirements:

(1) Fairly firm; and,

(2) Color:

(i) Tomato color index (TCI) shall be as specified in § 51.3317; or,

(ii) Fairly well colored. (See §51.3317.)

(b) Free from:

(1) Any worm attached;

(2) Worm injury;

(3) Freezing;

(4) Stems over 3 inches in length;

(5) Anthracnose when more than two spots or aggregating more than a circle three-eighths inch in diameter; and,

(6) Other mold or decay, or a combination of other defects including mold or decay, the removal of which in the preparation for processing causes a loss of more than 20 percent, by weight, of the individual tomato; including therein not more than 10 percent resulting from mold or decay.

CULLS

§ 51.3314 Culls.

"Culls" are tomatoes which fail to meet the requirements of Category C and, when color evaluation is determined by means of photoelectric instrument, including tomatoes which are completely green.

PERCENT USABLE

§ 51.3315 Percent usable.

"Percent usable" is a calculation of total weight of tomatoes in Category A, plus 85 percent of the weight of tomatoes in Category B, plus 75 percent of the weight of tomatoes in Category C.

PERCENT WASTE

§ 51.3316 Percent waste.

"Percent waste" is a calculation of total weight of Culls, plus 15 percent of the weight of tomatoes in Category B, plus 25 percent of the weight of tomatoes in Category C.

COLOR EVALUATION

§ 51.3317 Color evaluation.

Color shall be determined according to one of the following methods:

(a) Unless otherwise specified, the tomato color index (TCI) of a composite raw juice sample shall not be less than 63 as determined by means of a photoelectric instrument (USDA Tomato Colorimeter).

(1) The raw juice used for the color determination shall be extracted from a representative sample by means of a USDA approved extractor fitted with a 0.034-inch mesh screen juice attachment;[2]

(2) Each tomato in the color sample must show a definite change in surface color from green to tannish-yellow, pink, red, or a combination thereof; or

(b) Each tomato shall be "fairly well colored."

(1) "Fairly well colored" means that at least two-thirds of the flesh of the tomato has good red color: *Provided*, That a tomato having flesh of a lighter shade of red shall be considered as "fairly well colored" if sufficient amount of the flesh has a red color equivalent to that of a tomato with two-thirds good red color.

[2] The extractor and the USDA Tomato Colorimeter are commercially available. Information on where they may be purchased and additional details concerning them, may be obtained from the Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

EXTRANEOUS MATERIAL

§ 51.3318 Extraneous material.

(a) Extraneous material is loose stems, vines, and dirt, adhering dirt, stones, trash, and other foreign material.

(b) The amount of extraneous material in any lot may be specified in connection with these standards.

DEFINITIONS

§ 51.3319 Firm.

"Firm" means that the tomato is not water-soaked to the extent that it is so soft, shriveled or puffy that it will lose more than 10 percent of its weight during the peeling or washing process.

§ 51.3320 Fairly firm.

"Fairly firm" means that the tomato is not water-soaked to the extent that it is so soft, shriveled or puffy that it will lose more than 20 percent of its weight during the peeling or washing process.

§ 51.3321 Worm injury.

"Worm injury" means any worm injury that has penetrated through the outer wall of the tomato.

§ 51.3322 Mold or decay.

"Mold or decay" means breakdown, distintegration or fermentation of the flesh of the tomato caused by bacteria or fungi.

§ 51.3323 Freezing.

"Freezing" means that the tomato is frozen or shows evidence of having been frozen.

§ 51.3324 Green.

"Green" means that the surface of the tomato is completely green in color. The shade of green color may vary from light to dark.

§ 51.3325 Mechanical damage.

"Mechanical damage" means that the tomato is bruised, crushed or ruptured.

§ 51.3326 Defect classification guide.

Defect	Waste	
	More than 10 percent	More than 20 percent
Sunburn (thin superficial type)	When extending more than ¼ inch from stem scar, and more than ¼ of the circumference of a 2½-inch tomato.	When extending more than 1 inch from stem scar, and around the circumference of a 2½-inch tomato.
(Type which penetrates outer wall)	When extending more than ¼ inch from stem scar, and more than ⅛ of the circumference of a 2½-inch tomato.	When extending more than ½ inch from stem scar, and around the circumference of a 2½-inch tomato.
Worms and worm injury	Tomatoes with worms attached or with worm injury that has penetrated through the outer wall, or attached cocoons, shall be classed as "Culls". Worms on the fruit but not attached, and loose worms shall be ignored.	
Insects	Grasshoppers, crickets, spiders, or other insects on the tomatoes shall be disregarded, but tomatoes injured by such insects shall be evaluated on a waste basis.	
Growth cracks	Badly discolored cracks which are not affected by mold or decay shall be evaluated on a waste basis. Cracks affected by mold or decay which has penetrated the fleshy wall of the tomato shall be classed as "Category C", unless additional defects make them "Culls".	
Gray wall, virus mottling, cloudy spot, ghost spot, internal browning and irregular ripening.	Fruit affected by such conditions shall not be handled on a waste basis. Presence of such factors shall be evaluated from the standpoint of their effect on color (See § 51.3317.)	
Blossom end rot	The initial stage of development, occurring as brown or silver discoloration of the skin, shall not be considered as decay. However, if the fleshy wall of the tomato is affected it shall be classed as decay.	
Sunscald	Affected areas showing a darkened, soft watery condition of the flesh or areas slightly sunken with a tough outer wall which has a whitish yellow appearance, shall be evaluated on a waste basis.	
Freezing	Fruit affected by freezing injury develop a wide range of symptoms. Chief symptom of freezing injury is a glassy or water-soaked appearance of the fruit. Tomatoes affected by any amount of freezing injury shall be classed as "Culls".	
Mold or decay	Tomatoes affected by mold or decay which has penetrated the flesh shall be classed as "Category C" or "Culls" depending upon the amount of waste.	

METRIC CONVERSION TABLE

§ 51.3327 Metric conversion table.

Inches:	Millimeters (mm)
1/8 equals	3.2
1/4 equals	6.4
3/8 equals	9.5
1/2 equals	12.7
5/8 equals	15.9
3/4 equals	19.1
7/8 equals	22.2
1 equals	25.4
1 1/2 equals	38.1
2 equals	50.8
2 1/2 equals	63.5

The U.S. Standards for Grades of Tomatoes for Processing (formerly U.S. Standards for Grade Evaluation of Tomatoes for Processing—7 CFR 51.3310–51.3318), shall become effective on March 1, 1973 and the U.S. Standards for Canning Tomatoes (7 CFR 51.4240–51.4250) and U.S. Standards for Grades of Tomatoes for Manufacture of Strained Tomato Products (7 CFR 51.4260–51.4267) are hereby, as of that date, terminated.

Dated: January 30, 1973.

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

[FR Doc.73-2147 Filed 2-5-73;8:45 am]

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 81 relating to the imported fire ant and regulations supplemental to said quarantine (7 CFR 301.81, 301.81–1, 301.81–2, 301.81–3, et seq.), are hereby revised.

The regulations have been revised to delete from the list of regulated articles the following: Compost, decomposed manure, humus, muck, peat, logs, pulpwood, and stumpwood. After a review of the regulations, it was decided these articles would be deleted because they present little or no hazard of spread of the pest the way they are presently being handled.

Also, the list regulated articles is now the same regarding movement of regulated articles from generally infested areas and suppressive areas.

Further, the revision specifically authorizes the Deputy Administrator to terminate the designation of regulated areas under specified criteria. Section 301.81–4 was amended to restrict the issuance of certificates by a holder of a compliance agreement to the issuance of certificates based on compliance with treatment and other requirements. Various other changes were also made.

Pursuant to said authority the said quarantine and regulations are revised to read as follows:

QUARANTINE AND REGULATIONS

Sec.

AUTHORITY: Secs. 8 and 9, 37 Stat. 318, as amended; sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477.

§ 301.81 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the Secretary of Agriculture heretofore determined, after public hearing, that it was necessary to quarantine the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas, in order to prevent the spread of the imported fire ant (Solenopsis spp.), a dangerous insect pest not theretofore widely prevalent or distributed within and throughout the United States, and accordingly quarantined said States. Under the authority of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary hereby continues such quarantine in effect with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.81–1(n) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Soil, separately or with other things;

(2) Plants with roots with soil attached;

(3) Grass sod;

(4) Hay and straw;

(5) Used mechanized soilmoving equipment;

(6) Any other products, articles, or means of conveyance of any character whatsoever not covered by paragraphs (b)(1) through (5) of this section when it is determined by an inspector that they present a hazard of spread of the imported fire ant and the person in possession thereof has been so notified.

§ 301.81–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case my demand. The following terms, when used in this subpart, shall be construed respectively to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Protection and Quarantine Programs, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Plant Protection and Quarantine Programs as applicable to the operations of such person.

(c) *Deputy Administrator.* The Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.81–2.

(e) *Imported fire ant.* The live insect known as the imported fire ant (Solenopsis spp.) in any stage of development.

(f) *Infestation.* The presence of the imported fire ant or the existence of circumstances that make it reasonable to believe that imported fire ant is present.

(g) *Inspector.* Any employee of the Plant Protection and Quarantine Programs, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator to enforce the provisions of the quarantine and regulations in this subpart.

(h) *Interstate.* From any State into or through any other State.

(i) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertified regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

(j) *Mechanized soil-moving equipment.* Mechanized equipment used to move or transport soil—e.g., draglines,

bulldozers, roadscrapers, dumptrucks, etc.

(k) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(l) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(m) *Plant protection and quarantine programs.* The organizational unit within the Animal and Plant Health Inspection Service delegated responsibility for enforcing provisions of the Plant Quarantine Act and Federal Plant Pest Act, and regulations promulgated thereunder.

(n) *Regulated area.* Any quarantined State, or any portion thereof, listed as a regulated area in § 301.81–2a or otherwise designated as a regulated area in accordance with § 301.81–2(b).

(o) *Regulated articles.* Any articles described in § 301.81(b).

(p) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(q) *Scientific permit.* A document issued by the Deputy Administrator to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(r) *Soil.* That part of the upper layer of earth in which plants can grow.

(s) *State.* Any State, Territory, or District of the United States, including Puerto Rico.

(t) *Suppressive area.* That portion of a regulated area where eradication of infestation is undertaken as an objective, as designated under § 301.81–2(a).

(u) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures To Be Used Under the Imported Fire Ant Quarantine," the manual of "Procedures for Applying Soil, Surface, and Foliage Treatments for Regulatory Purposes," and the "Fumigation Procedures Manual" and any amendments thereto.[1]

§ 301.81–2 Authorization to designate, and terminate designation of, regulated areas and suppressive or generally infested areas; and to exempt articles from certification, permit, or other requirements.

(a) *Regulated areas and suppressive or generally infested areas.* The Deputy Administrator shall list as regulated areas, in a supplemental regulation designated as § 301.81–2a, each quarantined State; or each portion thereof in which imported fire ant has been found or in which there is reason to believe that imported fire ant is present, or which it is deemed necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator, in the supplemental regulation, may designate any regulated area or portion thereof as a suppressive area or a generally infested area in accordance with the definitions thereof in § 301.81–1. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator is of the opinion that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the imported fire ant.

(b) *Temporary designation of regulated areas and suppressive or generally infested areas.* The Deputy Administrator or an inspector may temporarily designate any other premises in a quarantined State as a regulated area and a suppressive or generally infested area, in accordance with the criteria specified in paragraph (a) of this section for listing such area, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of the designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.81–2a if a basis then exists for their designation; otherwise the designation shall be terminated by the Deputy Administrator or an inspector, and notice thereof shall be given to the owner or person in possession of the premises.

(c) *Termination of designation as a regulated area and a suppressive or generally infested area.* The Deputy Administrator shall terminate the designation provided for under paragraph (a) of this section of any area listed as a regulated or suppressive or generally infested area when he determines that such designation is no longer required under the criteria specified in paragraph (a) of this section.

(d) *Exemption of articles from certification, permit, or other requirements.* The Deputy Administrator may, in a supplemental regulation designated as § 301.81–2b, list regulated articles or movements of regulated articles which shall be exempt from the certification, permit, or other requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.81–3 Conditions governing the interstate movement of regulated articles from quarantined States.[2]

(a) Any regulated articles except soil samples for processing, testing, or analysis may be moved intereste from any quarantined State under the following conditions:

(1) With certificate or permit issued and attached in accordance with §§ 301.81–4 and 301.81–7 if moved:

(i) From any generally infested area or any suppressive area into or through any point outside of the regulated areas; or

(ii) From any generally infested area into or through any suppressive area; or

(iii) Between any noncontiguous suppressive area; or

(iv) Between contiguous suppressive areas when it is determined by an inspector that the regulated articles present a hazard of the spread of the imported fire ant and the person in possession thereof has been so notified; or

(v) Through or reshipped from any regulated area when such movement is not authorized under subparagraph (2) (v) of this paragraph; or

(2) From any regulated area, without certificate or permit if moved:

(i) Under the provisions of § 301.81–2b which exempts certain articles from certificate and permit requirements; or

(ii) From a generally infested area to a contiguous generally infested area; or

(iii) From a suppressive area to a contiguous generally infested area; or

(iv) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the imported fire ant exists; or

(v) Through or reshipped from any regulated area if the articles originated outside of any regulated area and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(3) From any area outside the regulated areas, if moved:

(i) With a certificate or permit attached; or

(ii) Without a certificate or permit, if:

(a) The regulated articles are exempt from certification and permit requirements under the provisions of § 301.81–2b; or

(b) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

(b) Unless specifically authorized by the Deputy Administrator in emergency situations, soil samples for processing, testing, or analysis may be moved inter-

[1] Pamphlets containing such provisions are available upon request to the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from an inspector.

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

state from any regulated area only to laboratories approved [3] by the Deputy Administrator and so listed by him in a supplemental regulation.[4] A certificate or permit will not be required to be attached to such soil samples except in those situations where the Deputy Administrator has authorized such movement only with a certificate or permit issued and attached in accordance with §§ 301.81–4 and 301.81–7. A certificate or permit will not be required to be attached to soil samples originating in areas outside of the regulated areas if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

§ 301.81–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when, upon evaluation of the circumstances involved in each specific case, he determines that such movement will not result in the spread of the imported fire ant and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits to allow the interstate movement of regulated articles may be issued by the Deputy Administrator under such conditions as may be prescribed in each specific case by the Deputy Administrator to prevent the spread of the imported fire ant.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use for subsequent shipments of regulated articles provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may execute and issue the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has treated such regulated articles to destroy infestation in accordance with the treatment manual, and if such regulated articles are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles. Any such person may execute and issue the limited permit forms or reproductions of such forms, for interstate movement of regulated articles to specified destinations when the inspector has made the determinations specified in paragraph (b) of this section. Any such person may execute and issue the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector or the Deputy Administrator if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart. Prior to such withdrawal, the holder of the certificate or permit shall be notified of the proposed action and the reason therefor and afforded reasonable opportunity to present his views thereon.

§ 301.81–5 Compliance agreement, and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Deputy Administrator or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.81–6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits or reproductions thereof, under § 301.81–4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such manner as the inspector designates to facilitate inspection.

§ 301.81–7 Attachment and disposition of certificates and permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit, or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.81–8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and imported fire ants as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) in accordance with instructions issued by the Deputy Administrator.

§ 301.81–9 Movement of live imported fire ants.

Regulations requiring a permit for and otherwise governing the movement of live imported fire ants in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Deputy Administrator.

§ 301.81–10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

Insofar as the revision of the Quarantine and regulations makes more stringent requirements than presently applied, it should be made effective promptly in order to prevent the spread of the imported fire ant and to be of maximum benefit to the noninfested States. The other changes do not impose additional obligations on any person.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice of rule making and other public procedures with respect to the revision are impracticable and unnecessary, and

[3] Pamphlets containing provisions for laboratory approval may be obtained from the Deputy Administrator, Plant Protection and Quarantine Programs, APHIS, U.S. Department of Agriculture, Washington, D.C. 20250.

[4] For list of approved laboratories, see p. 639.

good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER. This revision will become effective on February 6, 1973, and shall supersede the Quarantine and regulations contained in §§ 301.81, 301.81–1, 301.81–2, and §§ 301.81–3 through 301.81–10, effective October 9, 1970. The provisions in § 301.81–2a, effective August 30, 1972, remain in effect. The provisions of § 301.81–2b are being revised by a separate document.

Done at Washington, D.C., this 1st day of February 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-2274 Filed 2-5-73;8:45 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

The purpose of this document is to revise the imported fire ant quarantine supplemental regulation to add potting soil to the list of articles exempted from certification, permit, or other requirements and to delete compost, decomposed manure, humus, peat, logs, pulpwood, and stumpwood from the list of exempted articles because these articles are no longer regulated. It also changes the conditions under which used mechanized soilmoving equipment is exempt. Used mechanized soilmoving equipment is now exempt if cleaned of all loose, noncompacted soil.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.81–2 of the imported fire ant quarantine regulations (7 CFR 301.81–2, as amended), a supplemental regulation granting exemption from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.81–2b as set forth below. The Deputy Administrator of Plant Protection and Quarantine Programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.81–2b Exempted articles.[1]

The following articles are exempt from the certification, permit, or other requirements of this subpart if they meet the applicable conditions prescribed in paragraphs (a) through (c) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs:

(a) Potting soil, if commercially prepared, packaged, and shipped in original containers.

(b) Hay and straw, if being used for packing or bedding.

(c) Used mechanized soilmoving equipment, if cleaned of all loose, noncompacted soil.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 FR 16210, as amended; 37 FR 6327, 6505, 10554, 37 FR 28464, 28477, 35 FR 9104; 7 CFR 301.81–2)

This list of exempted articles shall become effective February 6, 1973.

Inasmuch as this revision relieves certain restrictions presently imposed, it should be made effective promptly in order to be of benefit to the persons subject to the restrictions that are being relieved. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this revision are 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 1st day of February 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73-2275 Filed 2-5-73;8:45 am]

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

[Orange Reg. 71, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

This amendment lowers the minimum grade and size requirements on fresh shipments of Murcott Honey oranges, grown in the production area in Florida. Current requirements applicable to other varieties of oranges are continued in effect. A determination as to the need for regulation of shipments of Murcott Honey oranges and continued regulation of other varieties of oranges was based upon all available information on market prices for oranges, level of supplies on hand at the principal markets, maturity, condition, and available supply of regulated varieties in the producing areas, and the relationship of season average returns to the parity price for Florida oranges.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Navel, Temple, and Murcott Honey oranges (but not including Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type), as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive grade and size limitations on fresh shipments of Murcott Honey oranges is consistent with the external appearance and available supply of such fruit in the production area and the current and prospective demand for such fruit by fresh market outlets.

(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 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 restrictions on the handling of Murcott Honey oranges grown in Florida.

Order. The provisions of paragraphs (a)(7) and (a)(8) and paragraph (c) of § 905.545 (Orange Reg. 71; 37 FR 21799, 24432, 25036, 27619, 28606) are amended to read as follows:

§ 905.545 Orange Regulation 71.

(a) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Bronze grade for Murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 $^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, or Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the regulations of the Florida Citrus Commission.

* * * * *

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective terms in said amended marketing agreement and order; Florida No. 1 Bronze grade for Murcotts shall have the same meaning as provided in section (1)(b) of Regulation 105–1.02, as amended, effective January 19, 1972, of the regulations of the Florida Citrus Commission, and all other terms relating to grade and diameter, as used herein, shall have the same meanings as given to the respective terms in the U.S. Standards for Florida

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

Oranges and Tangelos (7 CFR 51.1140–51.1178).

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

Dated January 31, 1973, to become effective February 5, 1973.

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

[FR Doc.73-2209 Filed 2-5-73;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. 73-508]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines a portion of Berks County in Pennsylvania 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, a new paragraph (e)(3) relating to the State of Pennsylvania is added to read:

(e) * * *

(3) *Pennsylvania.* That portion of Berks County bounded by a line beginning at the junction of Interstate Highway 78 and Legislative Road 06136; thence, following Legislative Road 06136 in a southeasterly direction to Township Road T797; thence, following Township Road T797 in a southwesterly direction to Township Road T830; thence, following Township Road T830 in a southerly direction to Township Road T795; thence, following Township Road T795 in a southeasterly direction to U.S. Highway 222; thence, following U.S. Highway 222 in a northeasterly direction to Township Road T795; thence, following Township Road T795 in a southeasterly direction to Township Road T827; thence, following Township Road T827 in a southwesterly direction to Legislative Road 06141; thence, following Legislative Road 06141 in a southeasterly, then southerly direction to the Reading Railroad; thence, following the Reading Railroad in a southwesterly direction to Legislative Road 06122; thence, following Legislative Road 06122 in a northwesterly direction to Township Road T721; thence, following Township Road T721 in a northwesterly direction to Township Road T760; thence, following Township Road T760 in a northwesterly direction to Township Road T723; thence, following Township Road T723 in a southwesterly direction to the Reading Railroad; thence, following the Reading Railroad in a northeasterly direction to State Highway 662; thence, following State Highway 662 in a northwesterly direction to Legislative Road 06126; thence, following Legislative Road 06126 in a northwesterly direction to Legislative Road 06125; thence, following Legislative Road 06125 in a northwesterly direction to Township Road T766; thence, following Township Road T766 in a northeasterly direction to Interstate Highway 78; thence, following Interstate Highway 78 in a northeasterly direction to its junction with Legislative Road 06136.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 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, 34f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective January 31, 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 31st day of January 1973.

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

[FR Doc.73-2277 Filed 2-5-73;8:45 am]

[Docket No. 73-507]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Area Quarantined

This amendment excludes portions of Lehigh and Berks Counties in Pennsylvania from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area. No area in Pennsylvania remains under quarantine.

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)(11) relating to the State of Pennsylvania is deleted.

(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 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective January 31, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. 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 and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of January 1973.

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

[FR Doc.73-2276 Filed 2-5-73;8:45 am]

PART 78—BRUCELLOSIS

Change in List of Public Stockyards

This amendment deletes the "Cornelius Livestock Company, Phoenix, Arizona"; "Pipestone Livestock Auction Market, Pipestone, Minnesota"; and "Union Stockyard Company of Lancaster, Lancaster, Pennsylvania" from the list of public stockyards set forth in 9 CFR § 78.14(a), as such stockyards are no longer operating as public stockyards where Federal inspection is maintained.

Therefore, pursuant to the provisions of sections 4, 5, and 13 of the Act of

May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), Part 78, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 78.14(a), all references to "Arizona" and all references to "Pennsylvania" and the reference to "Pipestone Livestock Auction Market" in Pipestone, Minn., are deleted.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 37 FR 28464, 28477; 9 CFR 72.16(b))

Effective date. The foregoing amendment shall become effective January 31, 1973.

It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department and since interested persons should be informed promptly of such change, it is found upon good cause under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and it should be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of January 1973.

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

[FR Doc.73-2273 Filed 2-5-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 2—RULES OF PRACTICE

Separate Hearings on Particular Issues

The Atomic Energy Commission has adopted an amendment of its rules of practice, 10 CFR Part 2, that provides more specifically for a separate hearing in proceedings on applications for construction permits or operating licenses for production or utilization facilities, to consider particular issues separately from other issues which must be considered in such a proceeding. Such separate hearings will be scheduled in the discretion of the Commission or the presiding atomic safety and licensing board, on the request of a party or their own initiative.

Section I(c) of Appendix A of Part 2 presently provides, at the discretion of the Commission on request of a party, for a separate hearing on the matter of site suitability in facility construction permit proceedings. The amendment expands that section to make specific provision for separate hearings on other issues in both construction permit or operating license proceedings that are appropriate for separate consideration. The amended section provides for the issuance of an initial decision at the conclusion of the hearing if appropriate. Such a decision would be dispositive of the issue or issues considered at the separate hearing, in the absence of exceptions or review on its own motion by the Commission or the Appeal Board.

The amendment which follows is a further indication of the Commission's intention to adopt from time to time amendments to its regulations which are necessary or desirable for the fulfillment of its broad statutory responsibilities in a manner consistent with the public interest in sound decisions arrived at in a timely fashion. It is expected that the amendment will further that objective by permitting the resolution of crucial or potentially dispositive issues in licensing proceedings at the earliest practicable juncture. A separate hearing on separate issues is consistent with judicial procedure, including Rule 42(b) of the Federal Rules of Civil Procedure, and the practice of other regulatory agencies.

It is further expected that the separate hearing procedure provided for in the amendment will be used only sparingly. The mere fact that a number of issues have been raised in a proceeding is not sufficient justification for setting down one or more of those issues for separate hearing. The separate hearing procedure is designed for the early resolution of crucial or potentially dispositive issues and should be employed only where its use is likely to expedite the conduct of the entire proceeding or for other compelling reasons.

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 to Title 10, Chapter I, Code of Federal Regulations, Part 2 is published as a document subject to codification, to be effective on February 6, 1973.

Paragraph (c) of section I of Appendix A is amended to read as follows:

APPENDIX A—STATEMENT OF GENERAL POLICY AND PROCEDURE: CONDUCT OF PROCEEDINGS FOR THE ISSUANCE OF CONSTRUCTION PERMITS AND OPERATING LICENSES FOR PRODUCTION OR UTILIZATION FACILITIES FOR WHICH A HEARING IS REQUIRED UNDER SECTION 189a OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

* * * * *

1. PRELIMINARY MATTERS

* * * * *

(c) The Commission or the atomic safety and licensing board may, on their own initiative, or a party may request the Commission or the board, to consider a particular issue or issues, such as the matter of the suitability of the proposed site, separately from, and prior to, other issues relating to the effect of the construction and/or operation of the facility upon the public health and safety, the common defense and security, and the environment or in regard to antitrust considerations. If the Commission or the board determines that a separate hearing should be held, the notice of hearing or other appropriate notice will state the time and place of the separate hearing on such issue or issues. The board designated to conduct the hearing will issue an initial decision, if deemed appropriate, which will be dispositive of the issue(s) considered at the hearing, in the absence of an appeal or Commission or Appeal Board review pursuant to §§ 2.760 and 2.762, before the hearing on, and consideration of, the remaining issues in the proceeding.

* * * * *

(Sec. 161, 68 Stat. 948; 42 USC 2201)

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

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-2179 Filed 2-5-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8804]

PART 13—PROHIBITED TRADE PRACTICES

Diener's, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.125 *Limited offers or supply;* § 13.155 *Prices:* 13.155–15 Comparative; 13.155–40 Exaggerated as regular and customary; 13.155–70 Percentage savings; § 13.270 *Trademark registration or use.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* 13.1590–70 Textile Fiber Products Identification Act; —Price: § 13.1785 *Comparative;* § 13.1805 *Exaggerated as regular and customary.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Diener's, Inc., et al., Hyattsville, Md., Docket No. 8804, Dec. 21, 1972]

In the Matter of Diener's, Inc., a Corporation, Diener's of Virginia, Inc., a Corporation, Diener's of Rockville, Inc., a Corporation, Diener's of Lanham, Inc., a Corporation, Diener's of Tysons Corner, Inc., a Corporation, Mayfield Co., Inc., a Corporation, and Walter Diener, Milton Diener, and Harold Reznick, Individually and as Officers of Said Corporations

Orded requiring a carpeting chain in the Washington, D.C., area, among other things to cease misrepresenting its prices and savings claims; failing to maintain adequate records; misbranding and falsely advertising its textile fiber products.

The order to cease and desist is as follows:

It is ordered, That respondents' appeal from the initial decision of the Administrative Law Judge be, and it hereby is, denied.

It is further ordered, That the initial decision of the Administrative Law Judge

be, and it hereby is, adopted as the decision of the Commission.

By the Commission, without the concurrence of Commissioner MacIntyre. He did not concur because he said it is apparent to him that much of the decision of the majority rests upon the testimony of witness Koman. It is the view of Commissioner MacIntyre that the testimony of witness Koman should have been stricken for the reason stated in a dissenting opinion by him in January 1971, during the course of an interlocutory appeal proceeding herein. Commissioner Jones agreed to the opinion on liability but dissented to the order, and submitted a dissenting statement.[1]

Issued: December 21, 1972.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-2186 Filed 2-5-73;8:45 am]

[Docket No. C-2337]

PART 13—PROHIBITED TRADE PRACTICES

Foundation Carpet Mills, Inc., and Eugene Hannah

Subpart—Importing, manufacturing, selling, or transporting flammable wear. § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Foundation Carpet Mills, Inc., et al., Dalton, Ga., Docket No. C-2337, Jan. 8, 1973]

In the Matter of Foundation Carpet Mills, Inc., a Corporation, and Eugene Hannah, Individually and as an Officer of the Corporation

Consent order requiring a Dalton, Ga., manufacturer and seller among other things, to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

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

It is ordered, That respondent Foundation Carpet Mills, Inc., a corporation, its successors and assigns, and its officers and respondent Eugene Hannah, individually and as an officer of said corporation and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which give rise to the complaint, (2) the identity of the purchasers of said products (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and the results thereof, (5) any disposition of said products since April 19, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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

Issued: January 8, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-2185 Filed 2-5-73;8:45 am]

[Docket No. C-2336]

PART 13—PROHIBITED TRADE PRACTICES

Scott Carpet Mills, Inc., and Steve Sellinger

Subpart—Importing, manufacturing, selling, or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Scott Carpet Mills, Inc., et al., Beachwood, Ohio, Docket No. C-2336, Jan. 8, 1973]

In the Matter of Scott Carpet Mills, Inc., a Corporation, and Steve Sellinger, Individually and as an Officer of Said Corporation

Consent order requiring a Beachwood, Ohio, manufacturer and seller of carpets and rugs among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

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

It is ordered, That respondent Scott Carpet Mills, Inc., a corporation, its successors and assigns, and its officers, and respondent Steve Sellinger, individually and as an officer of said corporation and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which

[1] Dissenting statement of Commissioner Jones and opinion of the Commissioner filed as part of the original document.

product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued, or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any disposition of said products since February 17, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

Issued: January 8, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-2184 Filed 2-5-73;8:45 am]

[Docket No. 2335]

PART 13—PROHIBITED TRADE PRACTICES

Sharpe's Appliance Store, Inc., and William H. Sharpe

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act—Prices: § 13.1823 *Terms and conditions:* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Sharpe's Appliance Store, Inc., et al., Atlanta, Ga., Docket No. C-2335, Jan. 4, 1973]

In the Matter of Sharpe's Appliance Store, Inc., a Corporation, and William H. Sharpe, Individually and as an Officer of Said Corporation

Consent order requiring an Atlanta, Ga., retailer and distributor of furniture and appliances, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondents Sharpe's Appliance Store, Inc., a corporation, its successors and assigns, and its officers, and William H. Sharpe, individually and as an officer of said corporation, and respondents' agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" and defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to furnish customers with a duplicate of the contract or a statement by which the disclosures are made and the creditor is identified, as required by § 226.8(a) of Regulation Z.

2. Failing to disclose the annual percentage rate, and failing to disclose that rate accurate to the nearest quarter of 1 percent computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

3. Failing to disclose accurately the "total of payments" as the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

4. Failing to disclose the type of security interest on the face of the contract, as required by § 226.8 (a)(1) and (b)(5) of Regulation Z.

5. Failing to identify the "certain conditions" under which the respondents will rebate the unearned finance charge in event of prepayment of the obligation, as required by § 226.8(b)(7) of Regulation Z.

6. Failing to disclose the "unpaid balance" to describe the sum of the unpaid balance of the cash price and all other charges which are included in the amount financed but which are not part of the finance charge as required by § 226.8(c) of Regulation Z.

7. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(c)(8)(i) of Regulation Z.

8. Failing to accurately disclose the "deferred payment price" as the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, as required by § 226.8(c)(8)(ii) of Regulation Z.

9. Failing, in any credit transaction in which the charge for credit life insurance is included in the "amount financed," to secure a signed and dated credit life insurance authorization, as required by § 226.4(a)(5) of Regulation Z.

10. Stating the period of payments which can be arranged in connection with a consumer credit transaction, without also stating all of the following items, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) thereof:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

11. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form, and amount required by §§ 226.6, 226.7 226.8, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation,

creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale, resulting in the emergency of a successor corporation; the creation or dissolution of subsidiaries; or any other change in the corporation which may affect compliance obligation arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

Issued: January 4, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-2187 Filed 2-5-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-408]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

PART 11—ANNUAL CHARGES UNDER PART I OF THE FEDERAL POWER ACT

PART 32—INTERCONNECTION OF FACILITIES; EMERGENCIES; TRANSMISSION TO FOREIGN COUNTRY

PART 33—APPLICATION FOR SALE, LEASE, OR OTHER DISPOSITION, MERGER, OR CONSOLIDATION OF FACILITIES, OR FOR PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC SECURITY

PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

PART 35—FILING OF RATE SCHEDULES

PART 36—ANNUAL CHARGES AND FEES UNDER PARTS II AND III OF THE FEDERAL POWER ACT

PART 45—APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS

PART 159—FEES AND ANNUAL CHARGES UNDER THE NATURAL GAS ACT

Order Deferring Billing for Annual Charges

JANUARY 30, 1973.

Revision of existing and establishment of new schedules of fees to be paid by electric public utility companies and natural gas companies and for miscellaneous services rendered by the Federal Power Commission, Docket No. R-408.

On November 25, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 FR 18324, Dec. 2, 1970) proposing to amend its general rules and regulations under the Federal Power Act and the Natural Gas Act to revise the schedules of fees at present imposed in connection with the filing of certain applications by natural gas companies and to establish new schedules of fees and annual charges to be applicable to electric utility companies and natural gas companies.

Following the submission of comments and suggestions of 64 parties, we issued Order No. 427 on March 18, 1971, amending our regulations to increase certain filing fees and to establish annual charges to cover certain costs. Rehearing was denied by order issued May 14, 1971.

Appeals of the annual charges were taken to the United States Court of Appeals for the District of Columbia Circuit by New England Power Co., Independent Gas Association of America, and Tennessee Gas Pipeline Co., a division of Tenneco Inc. On August 15, 1972, that court issued an opinion setting aside Order No. 427 with respect to the annual charges. Notwithstanding title V of the Independent Appropriations Act of 1952, 31 U.S.C. section 483a, section 309 of the Federal Power Act, 16 U.S.C. section 825h, and section 16 of the Natural Gas Act, 15 U.S.C. section 717o, the Court ruled that we lacked statutory authority to assess these annual charges. On September 25, 1972, the court denied our petition for rehearing.

We have requested the Solicitor General of the United States to seek review by the U.S. Supreme Court of the New England Power Co. decision. The deadline for filing our petition for writ of certiorari has been extended to February 7, 1973.

By the terms of Order No. 427, in fiscal year 1972, we commenced billing annual charges to cover certain fiscal year 1971 costs. The moneys collected were placed in a special escrow account established by the Treasury Department. At the close of fiscal year 1972 we deferred billing for annual charges because the issue of our authority to assess them was pending before the District of Columbia circuit in the New England Power Co. case.

We shall continue to defer our billing of annual charges until the Solicitor General has decided whether to seek Supreme Court review and, if review is sought, until the Supreme Court has ruled on the annual charges' legality, either by a decision on the merits or denial of certiorari.

The purpose of this deferral is to avoid any necessity for refunds in the event the annual charges are not ultimately found to be lawful. Our deferral is not to be construed as a waiver of our right to collect the annual charges for the period of such deferral. All companies subject to our jurisdiction are hereby put on notice that we shall bill the annual charges of Order No. 427 for the full period of deferral if the Supreme Court ultimately rules that such annual charges are within our statutory authority.

The Commission finds:

That the deferral of billing for annual charges announced herein is necessary and appropriate for carrying out the provisions of the Federal Power Act, the Natural Gas Act, and the Independent Offices Appropriations Act of 1952.

The Commission orders:

Further billing of companies subject to our jurisdiction for the annual charges prescribed by Order No. 427 is deferred until it is decided whether to seek Supreme Court review and, if review is sought, until the Supreme Court has ruled on the charges' legality, either by a decision on the merits or denial of certiorari.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-2220 Filed 2-5-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Utilization of Packages and Labels Not in Compliance With Labeling Requirements of the Fair Packaging and Labeling Act; Revocation

In the FEDERAL REGISTER of July 21, 1967 (32 FR 10734), the Commissioner of Food and Drugs issued a statement of policy (21 CFR 3.57) concerning stocks of packages and labels not complying with section 4 of the Fair Packaging and Labeling Act. This policy statement was amended by an order published in the FEDERAL REGISTER of February 28, 1968 (33 FR 3425). This statement was amended to refer to inventories of labels and packages of drugs, devices, and cosmetics; and to explain further the procedures for requesting extensions after an effective date of July 1, 1968.

Since the time period specified in said order for implementation of the Fair Packaging and Labeling Act is no longer applicable, this policy statement is obsolete and should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a) and the Fair Packaging and Labeling Act (secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 3 is amended by revoking § 3.57 *Stocks of packages and labels not complying with section 4 of the Fair Packaging and Labeling Act.*

Effective date. This order shall become effective on February 6, 1973.

(Secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455; sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: January 30, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-2238 Filed 2-5-73;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 128b—THERMALLY PROCESSED LOW-ACID FOODS PACKED IN HERMETICALLY SEALED CONTAINERS

Correction

In FR Doc. 73-1167, appearing at page 2398 for the issue of Wednesday, January 24, 1973, in line 20 of the second complete paragraph of the third column on page 2399, the word "were" should be "where".

SUBCHAPTER C—DRUGS

Pyrantel Tartrate

The Commissioner of Food and Drugs has evaluated a new animal drug application (43-290V) filed by Pfizer, Inc., 235 East 42d Street, New York, NY 10017 proposing the safe and effective use of pyrantel tartrate for oral dosage administration to swine and for use in the manufacture of medicated feeds for administration to swine. The application is approved.

Having considered the data submitted and other relevant material, the Commissioner concludes that tolerance limitations are required to assure that edible tissues of swine treated with the drug are safe for human consumption.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c, 135e and 135g are amended as follows:

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

1. Section 135c.59 is revised to read as follows:

§ 135c.59 Pyrantel tartrate powder.

(a) *Specifications.* Pyrantel tartrate powder horse wormer contains 11.3 percent and swine wormer 10.6 percent pyrantel tartrate.

(b) *Sponsor.* See code No. 030 in § 135.501(c) of this chapter.

(c) *Related tolerances.* See § 135g.82 of this chapter.

(d) *Conditions of use.* It is used in:

(1) Horses and ponies:

(i) For the removal and control of infections from the following mature parasites: Large strongyles (*Strongylus vulgaris, Strongylus edentatus, Strongylus equinus*), small strongyles (*Trichonema spp., Triodontophorus*), pinworms (*Oxyuris*), and large roundworms (*Parascaris*).

(ii) It is administered as a single dose at 0.57 gram of pyrantel tartrate per 100 pounds of body weight mixed with the usual grain ration.

(iii) It is recommended that severely debilitated animals not be treated with this drug. Do not administer by stomach tube or dose syringe. The drug should be used immediately after the package is opened.

(iv) Warning: Not for use in horses and ponies to be slaughtered for food purposes.

(2) It is used in swine:

(i) For the removal and control of large roundworms (*Ascaris suum*) and nodular worm (*Oesophagostomum*) infections.

(ii) It is administered as a single dose at 0.4 gram of pyrantel tartrate per 40 pounds of body weight mixed in one pound of meal (nonpelleted) ration.

(iii) Fast pigs over night for optimum results. Water should be made available to animals during fasting and treatment periods. Consult veterinarian before using in severely debilitated animals. The drug should be used immediately after the package is opened.

(iv) Warning: Do not treat within 24 hours of slaughter.

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

2. Part 135e is amended by adding the following new section:

§ 135e.64 Pyrantel tartrate.

(a) *Approvals.* Premix level 10.6 percent (48 grams per pound) granted to code No. 030 in § 135.501(c) of this chapter.

(b) *Assay limits.* Finished feed 88-118 percent of labeled amount.

(c) *Related tolerances.* See § 135g.82 of this chapter.

(d) *Special considerations.* (1) Consult veterinarian before using in severely debilitated animals.

(2) Finished feeds processed from need supplements that contain up to 0.0881 percent of Pyrantel tartrate and that comply with the provisions of items 1 and 2 in the table in paragraph (e) of this section, are exempted from the requirements of section 512(m) of the act.

(3) Do not mix in feeds containing bentonite.

(e) *Conditions of use.* It is used as follows:

Principal ingredient	Grams per ton	Limitations	Indications for use
1. Pyrantel tartrate.....	96 (0.0106%)	For swine; feed continuously as the sole ration in a complete feed; withdraw 24 hours prior to slaughter.	Aid in the prevention of migration an establishment of large roundworm (*Ascaris suum*) infections; aid in the prevention of establishment of nodular worm (*Oesophagostomum*) infections.
2. Pyrantel tartrate.....	96 (0.0106%)	For swine; feed for 3 days as the sole ration in a complete feed; withdraw 24 hours prior to slaughter.	For the removal and control of large roundworm (*Ascaris suum*) infections.
3. Pyrantel tartrate.....	800 (0.0881%)	For swine; as a single therapeutic treatment in a complete feed; withdraw 24 hours prior to slaughter.	For the removal and control of large roundworm (*Ascaris suum*) and nodular worm (*Oesophagostomum*) infections.

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. Part 135g is amended by adding the following new section:

§ 135g.82 Pyrantel tartrate.

Tolerances are established for residues of pyrantel tartrate in edible tissues of swine as follows:

(a) 10 parts per million in liver and kidney.

(b) 1 part per million in muscle.

Effective date. This order shall be effective on February 2, 1973.

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

Dated: January 30, 1973.

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

[FR Doc.73-2067 Filed 2-5-73;8:45 am]

PART 149b—AMPICILLIN

Ampicillin Chewable Tablets

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to providing for the certification of 250-milligram ampicillin chewable tablets.

He concludes that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 149 is amended in § 149b.18 (a)(1) by revising the first sentence as follows:

§ 149b.18 Ampicillin chewable tablets.

(a) * * *

(1) *Standards of identity, strength, quality, and purity.* Each ampicillin chewable tablet contains 125 or 250 milligrams of ampicillin with suitable binders, lubricants, flavorings, and colorings. * * *

Since the conditions prerequisite to providing for certification of subject antibiotic drug have been complied with and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisite to this promulgation.

Effective date. This order shall be effective on February 6, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C 357)

Dated: January 30, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-2239 Filed 2-5-73;8:45 am]

PART 150g—MINOCYCLINE HYDROCHLORIDE

Minocycline Hydrochloride Capsules

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to providing for the certification of 50 milligram minocycline hydrochloride capsules.

The Commissioner has concluded that the data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 150g.11 *Minocycline hydrochloride capsules* is amended in paragraph (a)(1) by changing the second sentence to read "Each capsule contains minocycline hydrochloride equivalent to 50 or 100 milligrams of minocycline."

Since the conditions prerequisite to providing for certification of this drug have been complied with and since the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective on February 6, 1973.

Dated: January 30, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-2240 Filed 2-5-73;8:45 am]

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

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Exemption of Certain Effervescent Aspirin-Containing Preparations From Child Protection Packaging Standards

In the FEDERAL REGISTER of July 18, 1972 (37 FR 14238), the Commissioner of Food and Drugs proposed to exempt certain tableted effervescent aspirin preparations from the regulation (§ 295.2(a)(1)) prescribing child protection packaging standards. The proposal was based on a request for exemption submitted by Miles Laboratories, Inc., and the Commissioner acknowledged that reasonable grounds in support of the exemption were given.

In response to the proposal, two pharmaceutical manufacturers submitted comments requesting that the exemption be broadened to include other effervescent preparations containing a higher percentage of aspirin and releasing significantly less carbon dioxide when in contact with moisture. Following a review of the comments and accompanying supportive data, the Commissioner concludes that the information submitted does not justify broadening the exemption. The Commissioner is prepared to reconsider this issue upon presentation of adequate data and information.

Although no comment was received regarding preparations for pediatric use, the Commissioner concludes that the exemption should not apply to them. The amendment has been changed accordingly.

Therefore, having evaluated the comments received and other relevant material, the Commissioner concludes that the proposal, changed as specified above, should be adopted as set forth below.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to the Commissioner (21 CFR 2.120), § 295.2(a) is amended by adding a new subdivision (i) to paragraph (1) as follows:

§ 295.2 Substances requiring "special packaging."

(a) * * *

(1) * * *

(i) Effervescent tablets containing aspirin, other than those intended for pediatric use, provided the dry tablet contains less than 10 percent of aspirin, the tablet has an oral LD-50 of greater than 5 grams per kilogram of body weight, and the tablet placed in water releases at least 85 milliliters of carbon dioxide per grain of aspirin in the dry tablet when measured stoichiometrically at standard conditions (0° C. 760 mm. hg.).

* * * * *

Effective date. This order shall be effective on February 6, 1973.

(Secs. 2(4), 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471(4), 1472, 1474)

Dated: January 29, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-2241 Filed 2-5-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. Entries to the table published on December 27, 1972, at 37 FR 28505, listed certain communities whose eligibility for the sale of flood insurance was being suspended on the date indicated in the entries, on the basis of the communities' failure to adopt required land use and control measures consistent with 24 CFR Part 1910 criteria. The community listed in this entry was so listed, but has submitted, prior to the indicated suspension date for the community, a copy of adopted measures which appear to correct previous disqualifying deficiencies. Therefore, the suspension of eligibility of the community listed in this entry has been withdrawn on the date indicated hereinbelow, and the community's eligibility for the sale of flood insurance has been continued without interruption pending detailed review of submitted documents. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alaska	Fairbanks North Star Borough.					January 15, 1973, suspension withdrawn.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-2155 Filed 2-5-73;8:45 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Connecticut	Tolland	Vernon, Town of.				Jan. 26, 1973, Emergency.
Illinois	Cook	Glenview, Village of.				Do.
Do	Lake	Lincolnshire, Village of.				Do.
Michigan	Monroe	Erie, Township of.				Do.
Do	do	Luna Pier, City of.				Do.
Do	St. Clair	Marine City, City of.				Do
Minnesota	Swift	Appleton, Village of.				Do.
New York	Monroe	Brighton, Town of.				Do.
Do	Chemung	Elmira, City of				Do.
Do	Cattaraugus	Olean, City of				Do.
Pennsylvania	Adams	Reading, Township of.				Do.
Do	Allegheny	West Elizabeth, Borough of.				Do.
Do	Bucks	East Rockhill, Township of.				Do.
Do	Chester	North Coventry, Township of.				Do
Do	do	West Goshen, Township of.				Do.
Do	Cumberland	Middlesex, Township of.				Do.
Do	Lebanon	Lebanon, City of.				Do.
Do	Lehigh	South Whitehall, Township of.				Do.
Do	Luzerne	Swoyersville, Borough of.				Do.
Do	Westmoreland	Scottdale, Borough of.				Do.
Do	York	Manchester, Township of.				Do.
Virginia	Chesterfield					Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 30, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-2156 Filed 2-5-73;8:45 am]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Requirements for Deenergization Devices and Automatic Emergency Brakes on Self-Propelled Electric Face Equipment

Background. In accordance with the provisions of section 305(r) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 779; 30 U.S.C. 865(r)), and pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act (83 Stat. 745; 30 U.S.C. 811(a)), there was published, as proposed rule making, in the FEDERAL REGISTER for June 23, 1972 (37 FR 12395), §§ 75.523–1 through 75.523–3 of Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, setting forth proposed mandatory standards which would: (1) Establish installation and performance requirements for devices that would deenergize self-propelled electric face equipment in the event of an emergency; and, (2) establish installation and performance requirements for automatic emergency brakes on rubber-tired, self-propelled electric face equipment.

Interested persons were afforded a period of 45 days following publication within which to submit to the Director, Bureau of Mines, written comments, suggestions, or objections to these proposed mandatory safety standards, stating the grounds therefor, and to request a public hearing on such objections.

Written objections were timely filed with the Director, Bureau of Mines, stating the grounds for objections and requesting a public hearing on proposed §§ 75.523–1 through 75.523–3 of Part 75. In accordance with section 101(f) of the Act, a notice of objections filed and hearing requested was published in the FEDERAL REGISTER for October 13, 1972 (37 FR 21641).

Following this notice, there was published in the FEDERAL REGISTER for October 26, 1972 (37 FR 22883), a notice of public hearing to be held for the purpose of receiving relevant evidence on the following issues:

(1) That all self-propelled electric face equipment acquired for use in a coal mine (except for self-propelled electric face equipment that is equipped with a substantially constructed cab which meets the requirements of 30 CFR Part 75) be provided with a device that will quickly deenergize the tramming motors of the equipment in the event of an emergency in accordance with the schedule of time specified in proposed 30 CFR 75.523–1;

(2) That all rubber-tired, self-propelled electric face equipment acquired for use in a coal mine (except for rubber-tired, self-propelled electric face equipment that is equipped with a driving mechanism, in accordance with 30 CFR 18.20(f), that precludes movement of the equipment when parked) be provided with an automatic emergency brake in accordance with the schedule of time specified in proposed 30 CFR 75.523–3;

(3) That proposed 30 CFR 75.523–1 through 75.523–3 should not be mandatory safety standards, but rather criteria to be utilized in the discretion of an authorized representative of the Secretary of the Interior;

(4) That deenergization of tramming motors of self-propelled electric face equipment be permitted by means other than interruption of the electrical power source;

(5) That rubber-tired, self-propelled electric face equipment be permitted to have parking brakes separate from the automatic emergency brake; and,

(6) That rubber-tired, self-propelled electric face equipment that is equipped with a substantially constructed cab which meets the requirements of 30 CFR Part 75 need not be required to have the automatic emergency brake specified in proposed 30 CFR 75.523–3.

The public hearing was held on November 15, 1972, in the House of Delegates Chambers, State Capitol Building, Charleston, W. Va. Presentations were made by the following organizations: U.S. Bureau of Mines, Bituminous Coal Operators' Association, Inc., and United Mine Workers of America. The record remained open for a period of 20 days after November 15, 1972, to permit submission of additional data.

A verbatim transcript of the hearing is available for public inspection in the office of the Deputy Director, Health and Safety, Room 4512, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Findings. Section 101(g) of the Act (83 Stat. 747; 30 U.S.C. 811(g)), provides, in part, that within 60 days after completion of any public hearing on proposed mandatory safety standards, the Secretary of the Interior shall make findings of fact which shall be public. On the basis of evidence presented at the hearing, it is found that:

(1) Self-propelled electric face equipment is often operated in areas of coal mines where both vertical and horizontal clearances are extremely limited. Operators of such equipment consequently are in constant danger of being pinned, squeezed, or crushed against the coal mine roof, ribs, or other mining equipment.

(2) Fatalities caused by equipment operators being pinned, squeezed, or crushed against the roof, ribs, or other mining equipment have increased substantially since January 1970. Such fatalities will be significantly reduced by the installation and use of devices that will quickly deenergize the tramming motors of self-propelled electric face equipment in the event of an emergency and by the installation and use of automatic emergency brakes on rubber-tired, self-propelled electric face equipment.

(3) Practical technology is available to design and construct devices that will quickly deenergize the tramming motors of self-propelled electric face equipment in the event of an emergency and to design and construct automatic emergency brakes on rubber-tired, self-propelled electric face equipment.

(4) Although a substantially constructed cab installed on self-propelled electric face equipment in accordance with the requirements of 30 CFR 75.1710–1 will afford equipment operators positioned within the confines of the cab the same degree of protection from the hazards of being pinned, squeezed, or crushed against the roof, ribs, or other mining equipment as will be afforded by emergency deenergization devices, a cab offers no protection to the equipment operator who is outside the confines of the cab or other miners in the vicinity of the equipment. Installation of an automatic emergency brake which engages whenever the equipment is deenergized will afford a substantial degree of protection to individuals who are not positioned within the confines of the cab, by preventing unintentional equipment movement.

(5) A substantially constructed canopy installed on self-propelled electric face equipment in accordance with the requirements of 30 CFR 75.1710–1 will not provide as effective protection to equipment operators from the hazards of being pinned, squeezed, or crushed against the ribs or other mining equipment as will be afforded by the installation and use of emergency deenergization devices and automatic emergency brakes.

In addition to the above findings, it is recognized that continuing research and study may lead to the development of other means of precluding the movement of equipment so as to protect equipment operators from being pinned, squeezed, or crushed against the roof, ribs, or other mining equipment. Therefore an operator will be permitted to apply to the Assistant Director—Technical Support for approval of devices to be used in lieu of the emergency deenergization devices described in the notice of proposed rule making, provided that the Assistant Director—Technical Support is satisfied that the performance thereof will be no less effective than the performance requirements specified in § 75.523–2 as set forth below.

It must also be stated that while the automatic emergency brake may also serve as a parking brake for rubber-tired, self-propelled electric face equipment, a separate parking brake system is in no way precluded by the requirements of 30 CFR 75.523–3.

Finally, it has been determined that the amount of time specified for the installation of deenergization devices and automatic emergency brakes should be the same for new equipment as for equipment already in use. Furthermore, the dates have been extended from those proposed in order to allow a sufficiently reasonable period for compliance by equipment manufacturers and mine operators.

After carefully considering all comments, suggestions, and objections re-

ceived in response to the notice of proposed rule making on the subject mandatory safety standards published in the FEDERAL REGISTER for June 23, 1972, and the evidence received at the public hearing of November 15, 1972; in view of the foregoing findings it is determined to adopt 30 CFR 75.523–1 through 75.523–3 as set forth below.

Effective date. This amendment shall be effective on March 1, 1973.

(Secs. 101(a), 305(r) Federal Coal Mine Health and Safety Act of 1969, as amended; 83 Stat. 745, 779; 30 U.S.C. 811(a), 865(r))

JANUARY 31, 1973.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, is hereby amended by adding new §§ 75.523–1 through 75.523–3, to read as follows:

§ 75.523–1 Deenergization of self-propelled electric face equipment installation requirements.

(a) Except as provided in paragraphs (b) and (c) of this section, all self-propelled electric face equipment which is used in the active workings of each underground coal mine on and after March 1, 1973, shall, in accordance with the schedule of time specified in paragraph (a) (1) and (2) of this section, be provided with a device that will quickly deenergize the tramming motors of the equipment in the event of an emergency. The requirements of this paragraph (a) shall be met as follows:

(1) On and after December 31, 1973, for self-propelled cutting machines, shuttle cars, battery-powered machines, and roof drills and bolters;

(2) On and after March 31, 1974, for all other types of self-propelled electric face equipment.

(b) Self-propelled electric face equipment that is equipped with a substantially constructed cab which meets the requirements of this part, shall not be required to be provided with a device that will quickly deenergize the tramming motors of the equipment in the event of an emergency.

(c) An operator may apply to the Assistant Director—Technical Support, Bureau of Mines, Department of the Interior, Washington, D.C. 20240 for approval of the installation of devices to be used in lieu of devices that will quickly deenergize the tramming motors of self-propelled electric face equipment in the event of an emergency. The Assistant Director—Technical Support may approve such devices if he determines that the performance thereof will be no less effective than the performance requirements specified in § 75.523–2.

§ 75.523–2 Deenergization of self-propelled electric face equipment; performance requirements.

(a) Deenergization of the tramming motors of self-propelled electric face equipment, required by paragraph (a) of § 75.523–1, shall be provided by:

(1) Mechanical actuation of an existing pushbutton emergency stopswitch,

(2) Mechanical actuation of an existing level emergency stopswitch, or

(3) The addition of a separate electromechanical switch assembly.

(b) The existing emergency stopswitch or additional switch assembly shall be actuated by a bar or lever which shall extend a sufficient distance in each direction to permit quick deenergization of the tramming motors of self-propelled electric face equipment from all locations from which the equipment can be operated.

(c) Movement of not more than 2 inches of the actuating bar or lever resulting from the application of not more than 15 pounds of force upon contact with any portion of the equipment operator's body at any point along the length of the actuating bar or lever shall cause deenergization of the tramming motors of the self-propelled electric face equipment.

§ 75.523–3 Rubber-tired, self-propelled electric face equipment; automatic emergency brake; installation and performance requirements.

(a) Except as provided in paragraph (c) of this section, all rubber-tired, self-propelled electric face equipment which is used in the active workings of each underground coal mine on and after March 1, 1973, shall, in accordance with the schedule of time specified in paragraph (a) (1) and (2) of this section be provided with an automatic emergency brake. The requirements of this paragraph (a) shall be met as follows:

(1) On and after December 31, 1973, for rubber-tired, self-propelled cutting machines, shuttle cars, battery-powered machines, and roof drills and bolters;

(2) On and after Mach 31, 1974, for all other types of rubber-tired, self-propelled electric face equipment.

(b) The emergency brake required by paragraph (a) of this section shall automatically engage when either:

(1) The device to deenergize the equipment, required by § 75.523–1, is activated; or

(2) The equipment is otherwise deenergized. The automatic emergency brake shall engage immediately; bring the equipment to a complete stop within at least the same distance as the service brakes; and, prevent movement of the equipment while engaged.

(c) Rubber-tired, self-propelled electric face equipment with a driving mechanism, in accordance with § 18.20(f) of this chapter, that precludes movement of the equipment when parked, shall not be required to be provided with an automatic emergency brake as is described in paragraph (a) of this section.

[FR Doc.73–2192 Filed 2–5–73;8:45 am]

PART 75—MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Extension of Time for Installation of Automatic Warning Devices and Fire Suppression Devices on Belt Haulageways

Pursuant to the authority of sections 311(g) and 301(d) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), there was promulgated in the FEDERAL REGISTER of August 16, 1972 (37 FR 16545–46) §§ 1103–2 through 1103–11 of Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations.

The above-referenced regulations which provide for the installation of automatic warning devices and fire suppression devices on belt haulageways became effective on August 16, 1972. However, coal mine operators were allowed a period of 180 days from the date of publication to acquire and install these devices. During this 180-day period, operators were to be advised by "safeguard notices" of conditions or practices which fail to meet these standards. After the 180-day period, failure to comply made the operators subject to the issuance of notices, orders and assessment of penalties pursuant to the Act.

The 180-day period was selected at the time of promulgation of these regulations based on information collected by the Bureau of Mines from operators and manufacturers. However, the information gathered at that time did not fully account for the number of belt haulage systems in use nor was the magnitude of the task facing the coal mine operators in obtaining and installing the devices within the time required by this section fully comprehended.

Subsequent to the promulgation of these regulations and after having discussed the availability of these devices with manufacturers and suppliers of such systems and with coal mine operators, it has been determined that despite a good faith effort on the part of all parties concerned, it is not possible to manufacture, acquire, install and make operative the required devices by February 13, 1973.

Therefore, the 180-day period will be extended for an additional 60 days from the date of this publication during which mine operators will continue to be advised of noncompliance by means of "safeguard notices." From and after April 9, 1973, operators who fail to comply with the provisions of §§ 75.1103–2 through 75.1103–11 will be subject to the issuance of notices, orders, and assessment of penalties pursuant to the Act.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

JANUARY 31, 1973.

[FR Doc.73–2193 Filed 2–5–73;8:45 am]

Title 32A—National Defense, Appendix

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

[Oil Import Reg. I (Revision 5), Amdt. 52]

OI REG. 1—OIL IMPORT REGULATION

Miscellaneous Amendments; Oil Imports

This Amendment 52 amends sections 5, 7, 8, 9, 10, 11, 13, and 22 of Oil Import Regulation 1 (Revision 5). The amendments to sections 9, 10, and 11 provide for allocations to petrochemical plants and refiners in Districts I–IV and District V

for the allocation period beginning January 1, 1973. Sections 10 and 11 provide for distribution of unallocated oil in proportion to allocations computed under the schedule of each of those sections. The proportionate relationship among allocation holders under each of these sections is substantially unchanged. Section 22 has been amended to reflect changes in definitions contained in the amendatory proclamation of January 17, 1973. The other amendments are of a technical nature and do not represent substantive changes in the regulations.

In view of the limited nature of the changes and the urgency of making the imported oil available, it is deemed unnecessary to give notice of proposed rule making respecting, or to delay the effective date of, the amendments to these sections, and, accordingly, these amendments as set forth below shall be effective on February 6, 1973.

Dated: January 31, 1973.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

Concur: January 31, 1973.

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

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

Sec. 5 Applications for allocations and licenses.

(a) Unless otherwise provided in this regulation, applications for allocations of imports of crude oil, unfinished oils, or finished products and for a license or licenses must be filed with the Director, in such form as he may prescribe, not later than 60 calendar days prior to the beginning of the allocation period for which the allocations are required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day. This section does not apply to an application for an allocation pursuant to paragraph (c) of section 15.

(b) Notwithstanding anything to the contrary contained in this regulation, applications for allocations and licenses for the allocation year from January 1, 1973, through December 31, 1973, pursuant to sections 9, 10, and 11 of these regulations shall be filed not later than 7 days after publication of this amendment in the FEDERAL REGISTER.

Sec. 7 [Amended]

2. Paragraph (c) of section 7 of Oil Import Regulation 1 (Revision 5) is rescinded.

3. Paragraph (a) of section 8 of Oil Import Regulation I (Revision 5) is amended to read as follows:

Sec. 8 Small quantities.

(a) District Directors of Customs are authorized to permit without a license an entry for consumption of not to exceed 550 U.S. gallons of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis or which are included in shipments of Machinery or equipment and are certified as intended for use in connection therewith, and baggage entries. Unless notified by the Director to the contrary, District Directors of Customs are authorized to permit without a license the entry for consumption of bonded fuel aboard an aircraft diverted from an international flight.

* * * * *

4. Paragraphs (a) and (b) of section 9 of Oil Import Regulation 1 (Revision 5) are amended and a new paragraph (f) is added to read as follows:

Sec. 9 Allocations; petrochemical plants; Districts I–IV, District V.

(a) For the allocation period January 1, 1973, through December 31, 1973, each eligible person with a petrochemical plant in Districts I–IV shall receive an allocation of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in these districts during the year ending September 30, 1972, multiplied by 11.2 percent.

(b) For the allocation period January 1, 1973, through December 31, 1973, each eligible person with a petrochemical plant in District V shall receive an allocation of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in this district during the year ending September 30, 1972, multiplied by 11.9 percent.

* * * * *

(f) An allocation made under this section shall supersede any interim or partial allocations made to that person pursuant to section 3A of Presidential Proclamation 3279, as amended, and Amendment 46 (37 FR 184) of this regulation. Licenses issued to a person under such an interim or partial allocation shall be charged against the allocation made to that person under this section.

5. Section 10 of Oil Import Regulation 1 (Revision 5) is amended to read in its entirety as follows:

Sec. 10 Allocations; refiners; Districts I–IV.

(a) For the allocation period January 1, 1973, through December 31, 1973, the Director shall allocate, as provided in paragraph (b) of this section, approximately 1,500,000 average barrels daily of imports of crude oil into Districts I–IV among eligible persons having refinery capacity in these districts.

(b) Each eligible applicant shall receive an allocation of imports of crude oil based on refinery inputs for the year ending September 30, 1972, and computed according to the following schedule:

Average b/d input	× Percent of input	× Number of days
0–10,000	21.7	365
10,000–30,000	13.0	365
30,000–100,000	7.6	365
100,000 plus	3.8	365

In addition, any imports of crude oil not allocated pursuant to the above schedule shall be allocated to each eligible applicant in the same proportion that each eligible applicant's allocation as determined pursuant to the above schedule bears to the total of imports of crude oil allocated pursuant to the above schedule; however, no person shall receive an allocation in excess of 100 percent of such person's refinery inputs.

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 15 percent of the allocation. Within such 15 percent, a maximum quantity of imports not exceeding 1 percent of the total allocation may be imported in the form of finished products, provided that prior written notification is given to the Director of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred, and except as this regulation may provide otherwise, no license issued under such an allocation shall permit the importantion of Canadian imports as defined in section 1A of Proclamation 3279, as amended.

(e) An allocation made under this section shall supersede any interim or partial allocations made to that person pursuant to section 3A of Presidential Proclamation 3279, as amended, and Amendment 46 (37 FR 184) of this regulation. Licenses issued to a person under such an interim or partial allocation shall be charged against the allocation made to that person under this section.

6. Section 11 of Oil Import Regulation 1 (Revision 5) is amended to read in its entirety as follows:

Sec. 11 Allocations; refiners; District V.

(a) For the allocation period January 1, 1973, through December 31, 1973, the Director shall allocate, as provided in paragraph (d) of this section, approximately 453,000 average barrels daily of imports of crude oil into District V among eligible persons having refinery capacity in that district.

(b) Each eligible applicant shall receive an allocation of imports of crude oil based on refinery inputs for the year ending September 30, 1972, and computed according to the following schedule:

Average b/d input	× Percent of input	× Number of days
0–10,000	67.5	365
10,000–30,000	16.9	365
30,000 plus	5.6	365

In addition, any imports of crude oil not allocated pursuant to the above schedule shall be allocated to each eligible applicant in the same proportion that each eligible applicant's allocation as determined pursuant to the schedule bears to the total of imports of crude oil allocated pursuant to the above schedule; however, no person shall receive an allo-

cation in excess of 100 percent of such person's refinery inputs.

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 25 percent of the allocation. Within such 25 percent, a maximum quantity of imports not exceeding 1 percent of the total allocation may be imported in the form of finished products, provided that prior written notification is given to the Director of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

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

(e) An allocation made under this section shall supersede any interim partial allocations made to that person pursuant to section 3A of Presidential Proclamation 3279, as amended, and Amendment 46 (37 FR 184) of this regulation. Licenses issued to a person under such an interim or partial allocation shall be charged against the allocation made to that person under this section.

7. Paragraph (a) of section 13 of Oil Import Regulation 1 (Revision 5) is amended to read as follows:

Sec. 13 Finished products.

(a) For the allocation period January 1, 1973, through December 31, 1973, there is allocated to the Department of Defense 20,000 b/d of imports of finished products into Districts I–IV and 7,500 b/d of imports of finished products into District V. For the same allocation period, 15,000 b/d of finished products have been allocated pursuant to paragraph (b) (4) of section 3 of Proclamation 3279, as amended, during the period January 1, 1973, through May 15, 1973; however, imports of No. 2 fuel oil from the Virgin Islands pursuant to any allocations made under paragraph (b) (4) of section 3 of Proclamation 3279, as amended, shall not be charged against such allocation.

8. Paragraph (f) of section 22 of Oil Import Regulation 1 (Revision 5) is amended to read as follows:

Sec. 22 Definitions.

* * * * *

(f) "Crude Oil" means a mixture of hydrocarbons that existed in the liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating processes (and are not natural gas products) and the initial liquid hydrocarbons (at atmospheric conditions) produced from tar sands, gilsonite, and oil shale.

* * * * *

Sec. 22 [Amended]

9. Paragraph (g) (1) of section 22 of Oil Import Regulation 1 (Revision 5) is amended to read as follows:

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

[FR Doc.73-2340 Filed 2-2-73;11.01 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 5-73-01 R2]

PART 127—SECURITY ZONES

Hampton Roads, Elizabeth River, Norfolk, Va.

This amendment to the Coast Guard's Security Zone Regulations establishes the waters of the Elizabeth River and Hampton Roads between the Norfolk and Portsmouth beltline railroad bridge on the southern branch of the Elizabeth River and Elizabeth River Channel Lighted Horn Buoy 1 LL 2939 as a security zone. This security zone is established to prevent interference with the sailing of the U.S.S. *Independence* from the Norfolk Naval Shipyard, Portsmouth, Va., to sea and return.

This amendment is issued without publication of a notice of proposed rule making; and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.-500 to read as follows:

§ 127.500 Hampton Roads, Elizabeth River, Norfolk, Va.

The waters of the Elizabeth River, Norfolk, Va., are a security zone: From the Norfolk-Portsmouth beltline railroad bridge on the southern branch of the Elizabeth River, at position 36°48'42" N. latitude, 76°17'26" W. longitude; to a line between position 36°59'12" N. latitude, 76°18'10" W. longitude; (Fort Wool Light) and position 37°00'06" N. latitude,, 76°18'24" W. longitude (Old Point Comfort Light).

(46 Stat. 220, as amended, sec. 1, 63 Stat. 503, sec. 6(b), 80 Stat. 937; 50 U.S.C. 191, 14 U.S.C. 91, 49 U.S.C. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date. This amendment is effective from 1000R to 1200R, February 6, 1973, and from 1000R to 1200R, February 9, 1973.

H. E. Steel,
Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads Area.

February 1, 1973.

[FR Doc.73-2393 Filed 2-5-73;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 TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 65]

[Docket No. 12537; Notice No. 73-4]

INSPECTION AUTHORIZATION

Eligibility and Operational Requirements, and Geographical Limitation

The Federal Aviation Administration is considering amending Part 65 of the Federal Aviation Regulations to: (1) Clarify the eligibility requirements for the issue of an inspection authorization; (2) provide that each holder of an inspection authorization must hold a currently effective mechanic certificate with both an airframe and a powerplant rating whenever he exercises the privileges of an inspection authorization; (3) require each holder to keep a record of each inspection performed by him; (4) limit the area where the holder may exercise the privileges of the authorization to the area under the jurisdiction of the local FAA District Office in which the holder's fixed base of operation is located, unless he is otherwise authorized by that Office and the Office for the area in which he proposes to perform an inspection; and (5) require each holder who changes the location of, or terminates the inspection authorization activity at, his fixed base of operation, to surrender his authorization to the local FAA District Office, with the privilege of obtaining reissuance of the authorization without further written test, at a new base established before the first day of April following the termination.

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, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before May 7, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposal 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.

Section 65.91(c)(1) provides that to be eligible for an inspection authorization an applicant must be a certificated mechanic who has held both an airframe rating and a powerplant rating for at least 3 years before the date he applies. This provision applies only to eligibility for issuance. Section 65.93 applies the requirements of § 65.91(c)(1) to the annual renewal of the authorization. These sections are silent on whether holding a currently effective mechanic certificate is required for retention of the authorization or for reinstatement after the authorization has been suspended. In order to implement the intent that the holder of an inspection authorization must hold a currently effective mechanic certificate with both an airframe and a powerplant rating whenever he exercises the privileges of the authorization, it is proposed that this requirement be specifically stated in the regulations.

Additionally, the proposal would make certain changes in paragraph (c) of § 65.91, as follows:

First, subparagraph (1) would be changed to require an applicant to hold a currently effective mechanic certificate with both an airframe and a powerplant rating each of which has been in effect for a total of 3 years. This would preclude further interpretation of the provision as requiring the holding for 3 consecutive years. It also would drop the phrase "* * * before the date he applies," that has been interpreted to mean 3 years immediately before the date of application. Second, subparagraph (2) would be changed to require the applicant to show that during the 2-year period preceding the date of application he has had diversified practical experience performing aircraft and aircraft engine maintenance, including inspections, as a certificated mechanic on aircraft certificated and maintained in accordance with the Federal Aviation Regulations. The present requirement that an applicant must "* * * have been actively engaged, for at least the 2-year period before the date he applies, in maintaining aircraft certificated and maintained in accordance with this chapter" although similar in intent, is not sufficiently clear. The phrase "have been actively engaged" does not specify the extent and kind of activity required to satisfy the regulations. It has been interpreted to require full-time activity of 40, or 48 hours per week, or only a part-time maintenance activity. Moreover, the use of the phrase "maintaining aircraft" allows an applicant to meet the requirements of the rule by working under the supervision of another certificated mechanic, by working at a certificated repair station, by working under his own certificate, or a combination thereof. Even an applicant whose mechanic certificate or rating has been under suspension during the 2-year period would be eligible although none of the maintenance activity has been performed under the privileges of his certificate. Furthermore, the applicant could maintain aircraft by performing minor maintenance work such as changing tires, covering elevators and rudders on light aircraft, and similar activities. The proposed amendment should resolve these problems.

To insure that a person holding an inspection authorization performs his functions in accordance with the applicable requirements, it is necessary that the use and duration of the authority be subject to administrative control. Therefore, it is proposed to include a new section on the duration of an inspection authorization providing, in addition to the present expiration date of all inspection authorizations on March 31 of each year, that an inspection authorization ceases to be effective if it is suspended or revoked, or if the holder thereof no longer has a fixed base of operation, or the equipment, facility, and inspection data required by § 65.91(c)(3), and that upon request he shall return the authorization to the Administrator.

There is at present no requirement for the holder of an inspection authorization to maintain a record of inspections performed by him under the privileges of his authorization. However, § 65.93(a) requires an applicant for renewal of his inspection authorization to show that during the latest period he held an authorization he performed a prescribed number of inspections. In practice, he lists on the application form for renewal the number of alterations, repairs, annual inspections, or progressive inspections performed by him.

Although reports at one time were required of both the local District Office and the holder of an authorization on details of the inspection and the aircraft, those requirements have been discontinued but most authorization holders have continued to maintain a record for convenience and availability of information in making their annual application for renewal of the authorization.

It is now proposed, for practical administrative purposes, to require the holder of an inspection authorization to keep, and make available for inspection by the Administrator, a record of inspections performed by him under § 65.95(a) that would contain, with respect to each aircraft or related part on which an inspection is performed, a statement of the registration number, make and model, and name and address of the registered owner of the aircraft; kind of inspection completed; date when and place where the inspection was performed; and the inspection action (whether approved or disapproved).

This record would show the inspection activity for each holder and should not prove burdensome for holders of inspection authorizations as most of them already maintain this information.

At the present time Part 65 prescribes no geographical limitation, in the United

States or elsewhere, as to where the holder of an inspection authorization may exercise the privileges of his authorization. He may travel far from his fixed base of operation to perform those privileges, either taking the necessary equipment and inspection data with him, or utilizing those provided at the place of inspection that in turn may be either at or away from the base of operations of the aircraft involved.

A local FAA District Office supervises the inspection activities of, and exercises administrative control over, holders of inspection authorizations within its jurisdiction. This supervision and administrative control becomes substantially ineffective at locations not within the jurisdiction of that office. It is therefore proposed to strike out present paragraph (c) and insert a new paragraph (c) in § 65.95 limiting the area in which the holder of an inspection authorization may exercise the privileges of the authorization to the area under the jurisdiction of the local FAA District Office in which his fixed base of operation is located. This geographical limitation would insure better administrative control of the holders of inspection authorizations, without placing an undue burden upon any person. An exception to this limitation would be allowed when the holder has been authorized by both his local office and the FAA District Office for the area in which he proposes to perform an inspection under the privileges of his authorization.

The present paragraph (c) of § 65.95 provides that if the holder of an inspection authorization changes his fixed base of operation he may not exercise the privileges of the authorization until he has notified the FAA General Aviation District Office or International Field Office for the area in which the new base is located. However, the holder is not now required to notify the local FAA District Office having jurisdiction over the area in which he has terminated operations. Normally, inspectors from the local FAA District Office visit holders of inspection authorizations within their district several times each year. However, until he applies for annual renewal of his authorization there may be a period of months when an office does not have contact with a holder. Thus, a holder may relinquish his fixed base of operation and move or terminate his activities, and an inspector on itinerary unaware of the cessation of activity could go out of his way to visit the holder only to find that he had terminated his operations several months earlier.

It is proposed to redesignate this provision as § 65.95(d) and provide that the holder of an inspection authorization shall surrender his authorization when he changes the location of, or terminates inspection activity at, his fixed base of operation. However, if he relocates his operation before the first day of April following the termination, the local FAA District Office having jurisdiction over the new location may reissue the inspection authorization, upon written application by him, without his then passing the written test if he meets paragraphs (c) (1) through (4) of § 65.91. This rule would insure better administrative control of the inspection authorization program, without adding a burdensome requirement on the holder of an authorization.

To maintain consistency with the exercise of an inspection authorization, the office where an applicant applies for renewal of an authorization that is provided in § 65.93(a) would be changed from "an FAA General Aviation District Office or an International Field Office" to "the local FAA District Office having jurisdiction over the area in which his fixed base of operations is located."

In consideration of the foregoing, it is proposed to amend Part 65 of the Federal Aviation Regulations as follows:

1. By striking out paragraph (d) of § 65.91, and amending paragraphs (c) (1) and (2) of that section to read as follows:

§ 65.91 Inspection authorization.

* * * * *

(c) To be eligible for an inspection authorization, an applicant must—

(1) Hold a currently effective mechanic certificate with both an airframe rating and a powerplant rating, each of which rating has been in effect for a total of at least 3 years;

(2) Show that during at least the 2-year period before the date he applies he has had diversified practical experience performing aircraft and aircraft engine maintenance, including inspections, as a certificated mechanic in accordance with Part 43 of this chapter on aircraft certificated and maintained in accordance with this chapter;

* * * * *

2. By inserting a new § 65.92 after § 65.91 to read as follows:

§ 65.92 Inspection authorization: Duration.

(a) Each inspection authorization expires on March 31 of each year. However, the holder may exercise the privileges of that authorization only while he holds a currently effective mechanic certificate with both an airframe rating and a powerplant rating.

(b) An inspection authorization ceases to be effective if it is surrendered, suspended or revoked, or if the holder no longer has a fixed base of operation or the equipment, facilities, and inspection data required by § 65.91(c) (3) and (4) for issuance of his authorization.

(c) The holder of an inspection authorization that is suspended or revoked shall, upon Administrator's request, return it to the Administrator.

3. By amending paragraph (a) of § 65.93 to read as follows:

§ 65.93 Inspection authorization: Renewal.

(a) To be eligible for renewal of an inspection authorization for a 1-year period, an applicant must present evidence at the local FAA District Office having jurisdiction over the area in which his fixed base of operations is located during the month of March that he still meets the requirements of § 65.91(c) (1) through (4), and by showing that during the current period that he held the inspection authority he—

* * * * *

4. By inserting a new § 65.94 after § 65.93 to read as follows:

§ 65.94 Inspection authorization: Performance records.

(a) Each holder of an inspection authorization shall keep and make available for inspection by the Administrator a current record of inspections performed by him under § 65.95(a). The record must contain, with respect to each aircraft on which an inspection was performed, a statement showing—

(1) The registration number of the aircraft;

(2) The make and model of the aircraft;

(3) The name and address of the registered owner of the aircraft;

(4) The kind of inspection performed on the aircraft;

(5) The date and place of performance of the inspection; and

(6) Whether return to service of the aircraft was approved or disapproved.

(b) Each holder of an inspection authorization shall keep the record required by paragraph (a) of this section for at least 2 years after the inspection was made.

5. By striking out paragraph (c), and inserting new paragraphs (c) and (d), in § 65.95 to read as follows:

§ 65.95 Inspection authorization: Privileges and limitations.

* * * * *

(c) The holder of an inspection authorization may not exercise the privileges of the authorization outside of the area of jurisdiction of the local FAA District Office in which his fixed base of operation is located, except when authorized by that office and the office for the area in which he proposes to perform an inspection.

(d) If the holder of an inspection authorization changes the location of, or terminates inspection activity at, his fixed base of operation, he shall surrender his authorization to the local FAA District Office. If he desires to exercise the privileges of an inspection authorization at a new base established before the first day of April following the termination, he may apply in writing before that date to the local FAA District Office having jurisdiction over the area in which the new base is located and obtain reissuance of the authorization if he meets paragraphs (c) (1) through (4) of § 65.91.

These amendments are proposed under sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C.

1354(a), 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 29, 1973.

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

[FR Doc.73-2170 Filed 2-5-73;8:45 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-10; Notice No. 73-6]

UPHILL PERFORMANCE OF COMMERCIAL MOTOR VEHICLES

Notice of Termination of Proposed Rule Making

The purpose of this notice is to announce that the Director of the Bureau of Motor Carrier Safety is closing Docket No. MC-10 without further action and does not now intend to institute additional rule making proceedings on the subject of uphill performance of commercial motor vehicles operated in interstate or foreign commerce.

On January 17, 1969, the Federal Highway Administrator issued an advance notice of proposed rule making, inviting interested persons to comment on uphill performance requirements for commercial motor vehicles (34 FR 1057). Upon review of the comments received in response to that invitation, and after consultation with the National Highway Traffic Safety Administration, the Bureau has determined that the most practicable way to combat whatever dangers the inability of commercial vehicles to maintain speed on ascending grades may present is through performance standards applicable to newly manufactured commercial motor vehicles. In the absence of a new-vehicle standard, it would clearly be inappropriate to issue a regulation applicable to vehicles in use while operating under the Bureau's jurisdition.

The Bureau will, of course, continue to cooperate with NHTSA on the subject of uphill performance. If a Motor Vehicle Safety Standard is issued, the Bureau will take the necessary action to assure such vehicles are not modified or operated so as to defeat the purpose of the standard.

If rule making proceedings on the subject of uphill performance are again contemplated, another notice to that effect will be issued. However, the present proceeding, Docket No. MC-10, is closed.

This notice is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on January 26, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.73-2265 Filed 2-5-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Parts 531, 536]

[Docket No. 73-4]

NONVESSEL OPERATING COMMON CARRIERS OF USED HOUSEHOLD GOODS

Exemption From Federal Maritime Commission Tariff Filing Requirements

Notice is hereby given that the Federal Maritime Commission is proposing to exempt from the tariff filing requirements of section 2, Intercoastal Shipping Act, 1933, and sections 18(a) and (b)(1) of the Shipping Act, 1916, nonvessel operating common carriers by water engaged exclusively in providing transportation for used household goods and personal effects when there is also a domestic movement within the United States provided that the carriers submit an initial report and regularly file a semiannual report with this Commission.

Nonvessel operating common carriers by water are subject to regulation by the Federal Maritime Commission (FMC). See decisions in Docket 701, Bernard Ulmann Co. v. Porto Rico Express Co., 3 F.M.B. 771 (1952) and Docket No. 815, Common Carriers By Water—Status of Express Companies, Truck Lines and Other Non-Vessel Carriers, 6 F.M.B. 245 (1961).

Following the decisions, certain motor carriers operating under Part II of the Interstate Commerce Act and freight forwarders operating under, or exempted from regulation under, part IV of the I.C.A. began filing tariffs providing for the water port-to-port portions of the movement, with this Commission. The transportation, however, originates or terminates at interior U.S. points and moves in intermodal services under through bills of lading. The port-to-port rates filed with this Commission merely reflect a segment of the total movements.

This Commission, my notice of proposed rule making dated January 23, 1968, instituted a proceeding, Docket 68-7, proposing an exemption similar to that proposed in this order, and after receiving comments and objections to its proposal, concluded that further study was necessary and discontinued the proceeding on May 18, 1968.

On July 20, 1972, North American Van Lines, Inc., filed a petition with this Commission seeking an exemption from tariff filing requirements of this Commission. The petition of North American was followed on August 22, 1972, by a similar petition of Bekins Van Lines Co., Bekins International Lines, Inc., Bekins Moving and Storage Company of California, and Bekins Moving and Storage Company of Hawaii. Similar relief is also sought by United Van Lines, Inc., and United Foreign Shipping Co. in a pleading received on August 25, 1972.

The representations set forth in the pleadings appear to be industrywide and not confined to the petitioners. Therefore, the Commission has decided to institute this proceeding upon its own motion affording opportunity to be heard to all on an equal basis.

Public Law 89-778 (46 U.S.C. 833(a)) approved November 6, 1966, authorized the Federal Maritime Commission to exempt certain operations of water carriers or other persons or activities from provision of the shipping acts, where it finds that such exemption will not substantially impair effective regulation by the Commission be unjustly discriminatory or be detrimental to commerce. The Commission is also authorized to attach conditions to any such exemption. The involved transportation appears to fall within the category of operations which would not be detrimental to other commerce by its exclusion from the FMC's tariff filing requirements; provided that the carrier seeking to qualify for the exemption files a report of his activities upon a regular basis.

Therefore, pursuant to the provisions of section 4, Administrative Procedures Act (5 U.S.C. 553); Public Law 89-778 (46 U.S.C. 833(a)); section 2, Intercoastal Shipping Act, 1933 (46 U.S.C. 844); section 18(a), 18(b), 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 817(b)); 820, and 841(a); the Commission proposes to amend Parts 531 and 536 of Title 46 Code of Federal Regulations to provide an exemption from the tariff filing requirements of the pertinent sections of the shipping acts and of Parts 531 and 536 of the Code of Regulations.

The proposed exemption will apply to non-vessel operating common carriers by water when engaged exclusively in the transportation of used household goods and personal effects when such transportation (1) involves an intermodal movement which includes a segment either regulated or specifically exempted from such regulation under parts II or IV of the Interstate Commerce Act (2) is transported by water on vessels of a common carrier by water regulated by this Commission; and (3) such non-vessel operating carrier complies with the reporting requirements to be condition of the exemption. (Appendix A).

The proposed exemption would not affect compliance by subject parties with other provisions of the shipping acts.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 2, 1973, an original and 15 copies of their views or arguments pertaining to the proposed rule. All suggestions for changes should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Federal Maritime Commission, Bureau of Hearing Counsel, shall participate in the proceeding and shall file reply to comments on or before March 23, 1973; by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before April 6, 1973.

This proceeding is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Enviromental Policy Act of 1969.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

FEDERAL MARITIME COMMISSION,
BUREAU OF COMPLIANCE,
Washington, D.C. 20573.

Date:.....

SEMIANNUAL REPORT OF NONVESSEL OPERATING COMMON CARRIERS ENGAGED IN INTERMODAL TRANSPORTATION OF HOUSEHOLD GOODS AND PERSONAL EFFECTS

For the period: From:..... 19__
to: ..... 19__

1. Your legal business name and the english equivalent if written in language other than english.

2. Form of organization, i.e., individual, partnership, corporation or other (explain).

3. State or jurisdiction and date of incorporation or registry.

4. Names, residence, citizenship, title of all corporate officers, partnership members, individual proprietors, or other principals.

5. Name, address, business and relationship of any person controlling, controlled by or under common control with the reporting carrier.

6. Address of principal United States office.

7. A full description of the geographical areas served.

8. Type of operation within the United States: Motor carrier or freight forwarder.

9. Ocean carriers utilized during the period covered by this report.

10. (a) Number of individual shipments handled in foreign commerce. (b) Number of individual shipments handled in domestic offshore commerce.

11. Number of complaints or claims regarding rates or service received during the period covered by this report. (Attach copies of each complaint, together with the actions taken to settle such complaint or claim.)

12. Number of complaints or claims settled during the period of this report. (Attach a list identifying the complaint or claim, together with a report of actions taken including the amount claimed and amount of settlement and the reasons therefor.)

I certify that the statements contained herein are true and correct to the best of my knowledge and belief, and that the attachments hereto represent all complaints and claims regarding rates or service and a complete record as to the disposition thereof for the period covered by this report.

By: .....
(Signature of proprietor, partner or corporate officer and title)

[FR Doc.73-2291 Filed 2-5-73;8:45 am]

RENEGOTIATION BOARD

[32 CFR Part 1460]

PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Contributions to the Defense Effort

Correction

In FR Doc. 73-1356 appearing at page 2219 of the issue for Tuesday, January 23, 1973, the first paragraph should read as follows:

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, as amended (50 U.S.C.A., App. 1211 et seq.), proposes to issue the following regulations not less than thirty (30) days after the date of this publication in the FEDERAL REGISTER.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition for Purpose of Financial Assistance to Certain Agriculture-Related Businesses

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of small business for the purpose of SBA financial assistance to certain agriculture-related businesses.

On August 9, 1972, there was published in the FEDERAL REGISTER (37 FR 15981) an amendment to Part 121 of Chapter I of Title 13 of the Code of Federal Regulations to provide a $250,000 annual receipts size standard for the purpose of SBA loans to certain agriculture-related businesses. Subsequent to the publication of the amendment, it was brought to the Agency's attention that several other agriculture-related activities are eligible for financial assistance, provided that firms primarily engaged in these activities have been formally declined financial assistance in writing from the United States Department of Agriculture, or an agricultural credit service supervised by the Farm Credit Administration.

Therefore, it is proposed to also adopt a $250,000 annual receipts size standard for these activities for the purpose of SBA loans. Accordingly, it is proposed to revise § 121.3-10(j) of the regulation to read as follows:

§ 12.3-10 Definition of small business for SBA loans.

* * * * *

(j) Agriculture production (crops), fish farms and fish hatcheries. Any concern primarily engaged (1) in an industry set forth in Major Group 01-Agriculture Production-Crops, of the Standard Industrial Classification Manual, (2) in the operation of a fish farm (part of Standard Industrial Classification Industry No. 0279, Animal Specialties, Not Elsewhere Classified), (3) in the operation of a fish hatchery (part of Standard Industrial Classification Industry No. 0921, Fish Hatcheries and Preserves), (4) in the propagation of furbearing animals (part of Standard Industrial Classification Industry No. 0271, Fur-Bearing Animals and Rabbits), (5) in the planting of oysters (part of Standard Industrial Classification Industry No. 0913, Shellfish), or (6) in the operation of hatcheries for chicks and poults (Standard Industrial Classification Industry No. 0254, Poultry Hatcheries), where such hatchery operators produce more than 50 percent of their eggs, or where more than 50 percent of the chicks or poults hatched are retained by the operator for the production of broilers or turkeys for market, is classified as small if its annual receipts do not exceed $250,000.

Interested persons may file with the Small Business Administration on or before February 21, 1973, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

WILLIAM L. PELLINGTON, OFFICE OF INDUSTRY STUDIES, AND SIZE STANDARDS, SMALL BUSINESS ADMINISTRATION, 1441 L STREET NW, WASHINGTON, DC 20416.

Dated: January 30, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-2211; Filed 2-5-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules, that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Allen, Leonard C., 111 Remsen Avenue, Brooklyn, N.Y., convicted on January 20, 1964, in the U.S. District Court, Southern District of New York.

Arens, Kenneth J., 1985 Victor Avenue, Redding, Calif., convicted on Apr. 14, 1952, in superior court, County of Shasta, Calif.

Ashley, Steven Charles, 4714 Jenewein Road, Madison, Wis., convicted on November 21, 1969 in the county court of Columbia County, Wis.

Berntgen, David L., Rural Route No. 1, Cassville, Wis., convicted on February 3, 1971 in Grant County Court, Lancaster, Wis.

Brummett, Clarence L., Rural Route No. 3, Box 198, Martinsville, Ind., convicted on June 18, 1953, in the Johnson County Circuit Court, Indiana.

Carpentier, David A., 1404 Fifth Avenue, Antigo, Wis., convicted on or about December 13, 1962, in Lincoln County Court, Merrill, Wis.

Castleman, Curtis O., 1224 Sixth Avenue NE., Minot, N. Dak., convicted on December 19, 1956, in the district court, First Judicial District of Grand Forks, Grand Forks County, N. Dak., and on September 19, 1958, in the district court, Fourth Judicial District of Washburn, McLean County, N. Dak.

Clark, Herman N., Rural Delivery No. 4, Cambridge, Ohio, convicted on August 14, 1970, by the common pleas court, Guennsey County, Ohio.

DeBok, Herbert D., 7213 Ridgemont Drive, Urbandale, Iowa, convicted on May 25, 1971, in the U.S.D.C., S.D. Iowa, central division.

Funti, Julius Fredrick, 11300 Grandmont Avenue, Detroit, Mich., convicted on September 5, 1961, in the U.S. District Court for the Southern District of California, central division.

Gerasia, Rosario J., Mashodack Road, Rural Free Delivery No. 2, Nassau, N.Y., convicted on June 3, 1943, by the Albany County Court, Albany, N.Y.

Harris, George Henry, Rural Route No. 2, DeSoto, Mo., convicted on June 24 and July 26, 1963, in the Fifth Judicial Circuit Court of Illinois, Edgar County, Ill.

Henry, Jack Keith, 1694 13th Avenue, Huntington, W. Va., convicted on September 23, 1955 in the court of common pleas, Lawrence County, Ohio, and on June 16, 1958, and July 5, 1960 in common pleas court of Cabell County, W. Va., and on May 21, 1965, in intermediate court for Kanawha County, W. Va.

Herron, James, 5023 East Outer Drive, apartment 309B, Detroit, Mich., convicted on January 26, 1942, in the circuit court of Vanderburgh County, Ind.

Keepers, James V., 8950 North Kellogg No. 3, Portland, Oreg., convicted on July 11, 1958 and March 2, 1962, in the Superior Court of the State of Washington for Grays Harbor County.

Kinglund, Craig L., 1112 Roland Street, Bellingham, Wash., convicted on September 19, 1967, in Whatcom County Superior Court for the State of Washington, Bellingham, Wash.

Kuch, James Arthur, 2515 25th Street, Bay City, Mich., convicted on May 19, 1964, in Bay County Court, Mich.

Newcomb, Bennie N., Post Office Box 333, Lawrenceville, Va., convicted on May 19, 1969, in the circuit court of Brunswick County, Lawrenceville, Va.

Nickell, Jerry Lee, Sr., 312 North Oklahoma, Okmulgee, Okla., convicted on April 29, 1966, in the superior court of Okmulgee County.

Nutting, Harold, 1808 Iowa Street, Costa Mesa, Calif., convicted on January 25, 1955, in the justice court, Santa Rosa Judicial District, Sonoma County, Calif., and on or about April 22, 1957, in the Superior Court of the State of California in and for the County of Los Angeles.

Owen, Herschell A., 640½ West Tennessee Street, Tallahassee, Fla., convicted on September 11, 1956 in the superior court, Grady County, Ga., and on February 19, 1960, in the U.S. District Court, Northern District, Florida.

Risley, Richard Fontaine, Indiana State Soldiers Home, Lafayette, Ind., convicted on October 15, 1955, in Pike County Circuit Court, Indiana.

Stevens, John T., 100 Cherry Street, South Boston, Va., convicted on February 11, 1964, in U.S. District Court for Western District of Virginia, Danville Division.

Wadina, Chris Alan, 5151 North 31st Street, Milwaukee, Wis., convicted on July 7, 1971, in circuit court, criminal division, Milwaukee County, Milwaukee, Wis.

Zachow, Ronald Lee, 3912 West Townley Street, Phoenix, Ariz., convicted on April 12, 1963, in the Circuit Court for the State of Oregon for the County of Umatilla.

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

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-2271 Filed 2-5-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

GRAND CANYON NATIONAL PARK, ARIZ.

Notice of Intention To Issue a Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on March 8, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Emery C. Kolb authorizing him to operate a motion picture, lecture, and photographic studio for the public on the south rim of Grand Canyon National Park, Ariz., for a period of one (1) year from January 1, 1973, through December 31, 1973.

The foregoing concessioner has performed his obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. In addition, he has a lifetime right to full possession of the property used in the operation. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 8, 1973.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: January 24, 1973.

LAWRENCE C. HADLEY,
Assistant Director, National Park Service.

[FR Doc.73-2189 Filed 2-5-73;8:45 am]

DINOSAUR NATIONAL MONUMENT

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on March 8, 1973, the Department of the Interior, through the Superintendent, Dinosaur National Monument, proposes to issue a concession permit to Wilkins Transportation, Inc., authorizing it to provide concession facilities and services for the public at Dinosaur National Monument for a period of 1 year from January 1, 1973, through December 31, 1973.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service, and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 8, 1973.

Interested parties should contact the Superintendent, Dinosaur National Monument, Post Office Box 210, Dinosaur, CO 81610, for information as to the requirements of the proposed permit.

Dated: November 13, 1972.

RICHARD S. TOUSLEY,
Superintendent,
Dinosaur National Monument.

[FR Doc.73-2190 Filed 2-5-73;8:45 am]

GRAND TETON NATIONAL PARK, WYO.

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on March 8, 1973, the Department of the Interior, through the Superintendent, Grand Teton National Park, Wyo., proposes to issue a concession permit to K. Starratt, doing business as Elbo Ranch, authorizing her to provide concession facilities and services for the public at Grand Teton National Park for a period of 5 years from January 1, 1973, through December 31, 1977.

The foregoing concessioner has performed her obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 8, 1973.

Interested parties should contact the Superintendent, Grand Teton National Park, Post Office Box 67, Moose, WY 83012, for information as to the requirements of the proposed permit.

Dated: November 16, 1972.

GARY EVERHARDT,
Superintendent, Grand Teton
National Park, Wyo.

[FR Doc.73-2191 Filed 2-5-73;8:45 am]

Office of the Secretary

HARLEY L. COLLINS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 12, 1973.

Dated: January 12, 1973.

HARLEY L. COLLINS.

[FR Doc.73-2195 Filed 2-5-73;8:45 am]

RAY F. DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1972.

Dated: January 12, 1973.

RAY F. DAVIS.

[FR Doc.73-2196 Filed 2-5-73;8:45 am]

B. M. GUTHRIE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 10, 1973.

Dated: January 10, 1973.

B. M. GUTHRIE.

[FR Doc.73-2197 Filed 2-5-73;8:45 am]

BILL C. HULSEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 10, 1973.

Dated: January 10, 1973.

BILL C. HULSEY.

[FR Doc.73-2198 Filed 2-5-73;8:45 am]

ANDREW P. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1972.

Dated: January 10, 1973.

A. P. JONES.

[FR Doc.73-2199 Filed 2-5-73;8:45 am]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1973.

Dated: January 11, 1973.

CARLOS O. LOVE.

[FR Doc.73-2200 Filed 2-5-73;8:45 am]

JOHN MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1973.

Dated: January 12, 1973.

JOHN MADGETT.

[FR Doc. 73-2201 Filed 2-5-73;8:45 am]

ROBERT J. MARCHETTI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 11, 1973.

Dated: January 11, 1973.

R. J. MARCHETTI.

[FR Doc.73-2202 Filed 2-5-73;8:45 am]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Johnson City Bank Shares.
(3) No change.
(4) No change.

This statement is made as of January 1, 1973.

Dated: January 9, 1973.

RIGGS SHEPPERD.

[FR Doc.74-2203 Filed 2-5-73;8:45 am]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1972.

Dated: January 11, 1973.

WILLARD B. SIMONDS.

[FR Doc.73-2204 Filed 2-5-73;8:45 am]

FRED M. TREFFINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 10, 1973.

Dated: January 10, 1973.

FRED M. TREFFINGER.

[FR Doc.73-2205 Filed 2-5-73;8:45 am]

C. N. WHITMIRE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1973.

Dated: January 11, 1973.

C. N. WHITMIRE.

[FR Doc.73-2206 Filed 2-5-73;8:45 am]

SALT RIVER PIMA-MARICOPA INDIAN RESERVATION, ARIZ.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

In accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Management and Budget by Secretarial Order No. 2950, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Salt River Pima-Maricopa Indian Reservation, Ariz., was adopted on September 27, 1972, by the Salt River Pima-Maricopa Indian Community Council, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

1. It shall be legal and permissible from this date henceforth to possess, transport, and/or consume intoxicating liquors, beer, wine, and other malt or alcoholic beverages within the exterior boundaries of the Salt River Pima-Maricopa Reservation, subject to such laws and regulations as may be provided by ordinances of the Salt River Pima-Maricopa Community Council and the laws of the State of Arizona.

2. It shall be unlawful for any person to sell, manufacture or to engage in the liquor business within the exterior boundaries of the Salt River Reservation.

3. The laws of the State of Arizona and the regulations of the Arizona Liquor Control Board in regard to possession, transporting and/or consuming alcoholic beverages within the boundaries of the State of Arizona are hereby adopted and made applicable to the territory within the exterior boundaries of the Salt River Reservation.

4. The Salt River Pima-Maricopa Community Council may adopt such ordinances for the maintenance of law and order on the Salt River Reservation for the purpose of enforcing this ordinance.

5. It shall be unlawful for any person within the exterior boundaries of the Salt River Reservation to offer, give or otherwise distribute any beer, wine, liquor or alcoholic beverage to any person under the age of nineteen (19) years, to any intoxicated person, or to any person at a time or under circumstances not permitted under the law of the State of Arizona or the regulations of the Arizona Liquor Control Board.

6. Section 6.43 of the Revised Law and Order Code of the Salt River Pima-Maricopa Indian Community is hereby repealed.

7. There shall be inserted in the Revised Law and Order Code of the Salt River Pima-Maricopa Indian Community a new Section 6.43 which shall read as follows:

"Any Person who shall knowingly and willfully violate any provision of the Salt River Pima-Maricopa Indian Community Liquor Ordinances shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to imprisonment for a period not to exceed *six months* or to a fine not to exceed *$500.00* or both such imprisonment and fine, with costs."

CHARLES G. EMLEY,
Deputy Assistant Secretary of the Interior.

JANUARY 31, 1973.

[FR Doc.73-2194 Filed 2-5-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

PEANUTS

Final Date of Availability of Price Support Advances in the Southwest Area

Notice is hereby given that, pursuant to the provisions of § 1446.4(d) of the general regulations governing 1967 and Subsequent Crop Peanut Warehouse Storage Loan and Sheller Purchases, 32 FR 9950, eligible producers in the southwest area may obtain price support advances on eligible 1972-crop peanuts through the Southwestern Peanut Growers' Association through February 28, 1973.

(Secs. 4, 5, 62 Stat. 1070, as amended, 1072; 15 U.S.C. 714 b and c; secs. 101, 401, 63 Stat. 1051, as amended, 1054, as amended; 7 U.S.C. 1441, 1421)

Signed at Washington, D.C., on January 31, 1973.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-2208 Filed 2-5-73;8:45 am]

Soil Conservation Service

PAINT CREEK WATERSHED PROJECT, OKLAHOMA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Paint Creek Watershed Project, Harper County, Okla., USDA-SCS-ES-WS-(ADM)-73-42(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by one floodwater retarding structure and 1.1 miles of waterway.

This draft environmental statement was transmitted to CEQ on January 16, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Okla. 74074.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm and Brumley Street, Stillwater, Okla. 74074.

Comments must be received on or before March 19, 1973, in order to be considered in the preparation of the final environmental statement.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

JANUARY 31, 1973.

[FR Doc.73-2278 Filed 2-5-73;8:45]

SILVER CREEK WATERSHED PROJECT, S. DAK.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Silver Creek Watershed Project, Minnehaha County, S. Dak., USDA-SCS-ES-WS-(ADM)-73-44(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, six floodwater retarding structures, and about 15 miles of channel improvement.

This draft environmental statement was transmitted to CEQ on January 17, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, 239 Wisconsin Avenue SW., Huron, SD 57350.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to V. W. Shally, State Conservationist, Soil Conservation Service, 239 Wisconsin Avenue SW., Huron, SD 57350.

Comments must be received on or before March 19, 1973, in order to be considered in the preparation of the final environmental statement.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

JANUARY 31, 1973.

[FR Doc.73-2279 Filed 2-5-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Supplement No. 1]

U.S.S.R.-FLAG VESSELS ARRIVING AT CUBAN AND NORTH VIETNAM PORTS

Supplement to List

The Maritime Administration is making available a supplement to the "List of U.S.S.R.-Flag Vessels Arriving at Cuban and North Vietnam Ports", as published in the FEDERAL REGISTER (37 FR 28083) to all interested parties, in keeping with the provisions of a memorandum on U.S. port procedures and other matters (referred to in a letter dated October 14, 1972, from the Secretary of Commerce to the Minister of Merchant Marine of the Union of Soviet Socialist Republics, in connection with the Agreement signed that same date between the Government of the United States and the Government of the Union of Soviet Socialist Republics concerning certain maritime matters). This supplement includes new vessels arriving in Cuban ports through October 1972, certain additional vessels not previously included and some new name translation of vessels previously included.

Supplement No. 1 to the "List of U.S.S.R.-Flag Vessels Arriving at Cuban and North Vietnam Ports" during the periods specified by types of vessels: (1) Freighters, (2) tankers, (3) refrigerated, (4) bulk carrier, (5) combination passenger and cargo, (6) ore carrier, (7) LPG tankers, (8) colliers and (9) timber carriers.

Name of Vessel [1]	Gross tonnage	Areas called (a) Cuba 1963 to October 1972	Areas called (b) North Vietnam 1966 to 5-11-72
1. FREIGHTERS			
Akademik evgeniy Paton/or Akademik Yevgeniy Paton [2]	9,500	X	
Alexandr Nevsky/or Aleksandr Nevskiy/or Aleksandr Nevsky [2]	7,200	X	
Baltiysk/or Baltijsk/or Baltysk Baskir [2]	5,600	X	
Boris Lavrenev/or Boris Lavrenov [2]	6,455	X	
Dimitri Gulia/or Dmitriy Guliya/or Dmitri Guliya/or Dimitri Guliya [2]	9,900	X	
Dmitrij Pozharskij/or Dmitriy Pozharsky/or Dimitrij Poluyan [2]	10,400	X	
Dimitri Ulyanov/or Dmitrij Ulyanov/or Dimitriy Ulyanov [2]	10,100	X	
Dzhuzeppe Di Vittoria	9,400	X	
Elynn/or Elyna	10,380	X	
Frederik Zholiokyuri/or Frederik Zholiokyuri [2]	7,949	X	
Georgi Chycherin/or Georgiy Chicherin/or Georgiy Chicherin [2]	12,100	X	
Georg Chicherin/or Georg Chicherin [2]	10,400	X	
Ignatty Sergeyev/or Ignatty Sergeev/or Ignatty Sergeyev/or Iganty Sergeev [2]	10,125	X	
Ilya Ulyanov/or Ilya Ulyanova [2]	10,400	X	
Jakov Alksnis [2]	9,800	X	
Kapitan Alekseyev [2]	5,353	X	
Kapitan Kaminskl/or Kapitan Kaminsky [2]	11,670	X	
Khirurg Vishnevski/or Khiryurg Vishnevskiy/or Khiryurg Vishnevskiy/or Kirurg Vishnevskij/or Khiryurg Vishnevsky [2]	11,670	X	
	12,100	X	
Klim Voroshilov [2]	9,547	X	
Komsomolets Vishnevski	12,285	X	
Krasnpdpm	9,269	X	
K. Znamya [2]	10,400	X	
Kovdor/ or Kovdov [2]	3,400	X	
Krasnoe Selo/or Krasnoye Selo [2]	9,400	X	
Krasnog Vardeisk/or Krasnogvardeysk/or Krasnogvardejsk [2]	9,300	X	
Leninsky Pioneer/or Leninskiy Pioner/or Leninsky Pioner [2]	12,100	X	
Mozhaysk/or Mozhajsk/or Mozhajsk [2]	10,100	X	
Nazim Hikmet/or Nazym Khikhmet/or Nazhim Khikmit/or Nazhim Khikhmet [2]	10,700	X	
Nikolay Kremlanskiy/or Nikolay Kremlyanskiy/or Nikolay Kremlyanskij [2]	10,200	X	
Nikolay Ogarov/or Nikolaj Ogarev/or Nikolay Ogarev [2]	11,300	X	
Nivolvovsk	9,150	X	
Olenak		X	
Palangaz [2]	2,920	X	
Polina Osipenka/Pauline Osipienko	5,215	X	
Pelengator	5,052	X	
Petrovskiy [2]	4,796	X	
Rosa Luksemburg/or Rosa Luxemburg/or Roza Lyuksemburg [2]	10,400	X	
Samuil Marshak/or Samuil Marskak/or Samuel Marskak [2]	10,100	X	
Severodonetsk/or Severdonetsk [2]	9,500	X	
Sudzna/or Sudzha [2]	9,300	X	
Toyvo Antikaynen/or Tovjo Antikavnen/or Tovjo Antikaynen/or Tovjo Antikyanen/or Tovjo Antikyanin [2]	10,400	X	

Name of Vessel [1]	Gross tonnage	Areas called (a) Cuba 1963 to October 1972	(b) North Vietnam 1966 to 5-11-72
Ulan Udeh [2]	4,686	X	
Valerian Kuybyshev/or Valerian Kubyskev [2]	9,300	X	
Velikiye Luki/or Velikie Luki [2]	9,400	X	
Velikiye Ustyug/or Velikie Ustyug [2]	9,437	X	
Vissarion Byelinsk/or Vissarion Belinskiy/or Vissarion Belinsky [2]	11,300	X	
Zarajkalsk [2]	4,689	X	
2. TANKERS			
Ajnashi [2]	3,670	X	
Adigeni [2]	3,670	X	
Autse [2]	3,674	X	
Bugurusian/or Bugurusian/or Bugruslan [2]	8,200	X	
Chkalov/ or Chalkov [2]	8,200	X	
Dimitri Zhloba/or Dimitry Zhloba/or Dimitriy Zhloba [2]	15,000	X	
Elbrus/or Ehlbrus/or Ehlbrus [2]	8,200	X	
Elnya	7,949	X	
George Georgin Dezh/or George Georgi Dezh [2]	22,700	X	
Leninskoe Znamya/or Leninskoye Znamya [2]	14,200	X	
Leonardo da Vinci/or Leonardo di Vinchi/or Leonardo da Vinchi/or Leonardo da Vinchil [2]	31,300	X	
Mek Hanik Afanasyn/or Mekhanik A Fanasev/or Mekhank Afansev [2]	32,300	X	
Mitrofan Sedin/or Mitrofan Sidon/or Mitrofan Sidan [2]	15,500	X	
Molodetchno/or Molodechno [2]	8,200	X	
Nikolay Podvojski/or Nikolay Podovsky/or Nikolay Podovskij/or Nikolay Podoyskity/or Nikolaj Podovskij [2]	15,500	X	
Petr Alexeey/or Petr Alekseye/or Petr Alekseyev/or Petr Alekseev [2]	15,500	X	
Pheuian/or Pkhenyan/or Pkhenay [2]	21,300	X	
Professor Minyaev [2]	6,036	X	
Samarkland/or Samarkland [2]	8,200	X	
Velikiye Oktyabr/or Velikijoktyabr/or Velikie Oktyabr [2]	12,000	X	
3. FREIGHTER/REFRIGERATED			
Aleksey Venelsianov/or Aleksel Venetsianov/or Aleksen Venelsianov [2]	6,100	X	
Alexader Ivanov/or Aleksandr Ivanovo/or Aleksandr Ivanov [2]	6,100	X	
Karlis Zigednich/or Karlis Zidnich [2]	5,194	X	
Konstantin Olshanskiy/or Konstantin Olshanskij [2]	6,100	X	
Lokator	4,700	X	
Yakov Alksijis [2]	6,353	X	
4. BULK CARRIER			
Ustilug/or Ustilus [2]	5,600	X	
5. COMBINATION PASSENGER AND CARGO			
Estonia/or Ehstoniya/or Ehstonija/or Ehstonii [2]	4,700	X	
Vatslav Vorovskij [2]	4,847	X	
8. COLLIERS			
Salomeja Neris/or Salom Eya Neris/or Spyomaya Neris	3,800	X	
9. TIMBER CARRIERS			
Bakarita/or Bakarista [2]	4,900	X	
Mekhanik Rybachuk/or Mekanik Ryabdchik [2]	4,700	X	
Vaigach/or Vaygach/or Vajgach [2]	4,700	X	

[1] The several speelings for the same vessel is caused by problems of translation.
[2] New vessels arriving Cuba July through Oct. 1972
[3] New translations.

By order of the Deputy Assistant Secretary for Maritime Affairs.

Dated: January 26, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-2151 Filed 2-5-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5743; Docket No. FDC-D-529; NDA 5-743]

AYERST LABORATORIES

Sodium Fluoride, Ascorbic Acid, and Ergocalciferol Lozenge; Notice of Withdrawals of Approval of New Drug Application

On November 15, 1972, there was published in the FEDERAL REGISTER (37 FR 24203) a notice of opportunity for hearing (DESI 5743) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug application for the following drug:

NDA 5-743; Enziflur Lozenges containing sodium fluoride, ascorbic acid, and ergocalciferol; previously marketed by Ayerst Laboratories, 685 Third Avenue, New York, NY 10017.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 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.

Neither Ayerst Laboratories nor any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of new drug application 5-743 and all amendments and supplements applying thereto is withdrawn effective on February 6, 1973. Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: January 30, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-2243 Filed 2-5-73;8:45 am]

[DESI 9296; Docket No. FDC-D-567; NDA 9-296 etc.]

CERTAIN ANTIHYPERTENSIVE COMBINATION DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Diupres-250 and Diupres-500 tablets, each containing chlorothiazide and reserpine; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486 (NDA 11-635).

2. Metatensin tablets, containing trichloromethiazide and reserpine; Lakeside Laboratories, Inc., 1707 East North Avenue, Milwaukee, WI 53201 (NDA 12-972).

3. Naquival tablets, containing trichloromethiazide and reserpine; Schering Corp., 60 Orange Street, Bloomfield, NJ 07003 (NDA 12-265).

4. Hydropres-25 and Hydropres-50 tablets, each containing hydrochlorothiazide and reserpine; Merck Sharp & Dohme, Division of Merck & Co., Inc. (NDA 11-958).

5. Serpasil-Esidrix tablets, containing hydrochlorothiazide and reserpine; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Avenue, Summit, NJ 07901 (NDA 11-878).

6. Oreticyl tablets, containing hydrochlorothiazide and deserpidine; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 12-148).

7. Enduronyl tablets, containing methychlothiazide and deserpidine; Abbott Laboratories (NDA 12-775).

8. Serpasil-Apresoline No. 1 tablets and No. 2 tablets containing reserpine and hydralazine hydrochloride; Ciba Pharmaceutical Co. (NDA 9-296).

9. Apresoline-Esidrix tablets containing hydralazine hydrochloride and hydrochlorothiazide; Ciba Pharmaceutical Co. (NDA 12-026).

10. Ser-Ap-Es tablets containing reserpine, hydralazine hydrochloride, and hydrochlorothiazide; Ciba Pharmaceutical Co. (NDA 12-193).

In addition, the following drug, although approved in 1961 on the basis of safety, was not submitted to the Academy for review. It has been reviewed for effectiveness by the Food and Drug Administration and is covered by this notice.

11. Aldactazide tablets containing spironolactone and hydrochlorothiazide; G. D. Searle & Co., Post Office Box 5110, Chicago, IL 60680 (NDA 12-616).

All identical, related, or similar products, not the subject of an approved

new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 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.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. The combination containing spironolactone and hydrochlorothiazide is effective for treatment of hypertension, edema of congestion heart failure, cirrhosis of the liver, the nephrotic syndrome, and idiopathic edema.

2. All of the other above combinations are effective for treatment of hypertension.

3. All of the above drugs lack substantial evidence of effectiveness for all indications other than the indications stated in the previous paragraphs.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These preparations are in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal Law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drugs. The "Indications" for use of the drugs are as follows:

Indications for the combination containing spironolactone and hydrochlorothiazide: Hypertension, edema of congestive heart failure, cirrhosis of the liver, the nephrotic syndrome, and idiopathic edema. Spironolactone may be helpful in correcting the effects of aldosteronism and/or may be useful in correcting hypokalemia produced by thiazide diuretics. The components of the combination should be titrated individually (see box warning).

The labeling should contain the following warning in a box and dosage statement.

Warning

This fixed combination drug is not indicated for initial therapy of edema or hypertension. Edema or hypertension requires therapy titrated to the individual patient. If the fixed combination represents the dosage so determined, its use may be more convenient in patient management. The treatment of hypertension and edema is not static, but must be reevaluated as conditions in each patient warrant.

Dosage: As determined by individual titration (see box warning).

Indications for all other of the combinations listed above: Hypertension (see box warning).

The labeling should contain the following warning in a box and dosage statement.

Warning

This fixed combination drug is not indicated for initial therapy of hypertension. Hypertension requires therapy titrated to the individual patient. If the fixed combination represents the dosage so determined, its use may be more convenient in patient management. The treatment of hypertension is not static, but must be reevaluated as conditions in each patient warrant.

Dosage: As determined by individual titration (see box warning).

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 19, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraph (a)(1)(i), (ii) and (iii) of the notice of July 14, 1970. Clinical trials which have established effectiveness of the drug may also serve to establish the bioavailability of the drug if such trials were conducted on the currently marketed formulation.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a)(3)(iii).

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for a hearing.* Notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness referred to in paragraph A.3 of this notice on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before March 8, 1973, the applicant(s) and any other interested person may file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before that date will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before March 8, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person

in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of application(s) not supplemented to delete the claim(s) involved.

If, upon the request of the new-drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after March 8, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new-drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

The following new-drug applications for antihypertensive combinations were approved or "permitted" after October 9, 1962:

1. Eutron tablets containing methyclothiazide and pargyline hydrochloride; Abbott Laboratories (NDA 16-047).

2. Esimil tablets containing guanethidine monosulfate and hydrochlorothiazide; Ciba Pharmaceutical Co. (NDA 13-553).

3. Regroton tablets containing chlorthalidone and reserpine; Geigy Pharmaceuticals (Division of Ciba—Geigy Corp.), Ardsley, N.Y. 10502 (NDA 15-103).

4. Aldoril tablets containing methyldopa and hydrochlorothiazide; Merck Sharp and Dohme (NDA 13-402).

5. Aldoclor tablets containing methyldopa and chlorothiazide; Merck Sharp and Dohme (NDA 16-016).

6. Dyazide capsules (NDA 16-042) and tablets (NDA 16-043) containing triamterene and hydrochlorothiazide; Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101.

7. Exna-R tablets containing benzthiazide and reserpine; A. H. Robins Co., 1407 Cummings Drive, Richmond, Va. 23220 (NDA 14-861).

8. Rauzide tablets containing rauwolfia serpentina and bendroflumethiazide; E. R. Squibb & Sons., Lawrenceville-Princeton Road, Post Office Box 4000, Princeton, N.J. 08540 (NDA 12-320; Supplement providing for Rauzide permitted in 1966).

Pursuant to the evaluation of the drugs for which the applications became effective on the basis of safety prior to October 10, 1962, the Food and Drug Administration has reviewed the labeling for the drugs listed immediately above and finds that certain revisions are necessary as follows:

For the combination containing triamterene and hydrochlorothiazide, the labeling should be consistent with the following:

INDICATIONS

This combination drug finds its usefulness primarily in the treatment of edema. Any usefulness of triamterene when used with a thiazide in hypertension will derive from its potassium sparing effect. Either its main diuretic effect or potassium sparing effect when used with a thiazide drug should be determined by individual titration. (See box warning.)

The labeling should contain the following warning in a box and dosage statement.

WARNING

This fixed combination drug is not indicated for initial therapy of edema or hypertension. Edema or hypertension requires therapy titrated to the individual patient. If the fixed combination represents the dosage so determined, its use may be more convenient in patient management. The treatment of hypertension and edema is not static, but must be reevaluated as conditions in each patient warrant.

Dosage: As determined by individual titration (See box warning.).

For all of the other drugs, the labeling should be consistent with the following:

INDICATION

Hypertension (See box warning.).

The labeling should contain the following warning in a box and dosage statement.

WARNING

This fixed combination drug is not indicated for initial therapy of hypertension. Hypertension requires therapy titrated to the individual patient. If the fixed combination represents the dosage so determined, its use may be more convenient in patient management. The treatment of hypertension is not static, but must be reevaluated as conditions in each patient warrant.

Dosage: As determined by individual titration (See box warning.).

Holders of the new drug applications for these "post-1962" drugs shall, on or before April 9, 1973, submit supplements to their applications to provide for labeling revised in accord with the above guidelines.

A copy of the Academy's report has been furnished to each firm whose drug was reviewed by the Academy. Communications forwarded in response to this announcement should be identified with the reference number DESI 9296, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Request for Hearing (identify with Docket Number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-88, Parklawn Building.

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.

Received requests for a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 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 30, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-2244 Filed 2-5-73;8:45 am]

[DOCKET NO. FDC-D-545; NADA 11-346V]

FORT DODGE LABORATORIES, INC.

Dictycide; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of December 12, 1972 (37 FR 26454), the Commissioner of Food and Drugs published a notice proposing to withdraw approval of new animal drug application (NADA) No. 11-346V for Dictycide; marketed by Fort Dodge Laboratories, Fort Dodge, Iowa 50501.

Neither the above-named firm nor any other interested persons have filed a written appearance to the above-cited notice. This is construed as an election by said firm not to avail themselves of the opportunity for a hearing.

Therefore, based on the grounds set forth in said notice of opportunity for a hearing, the Commissioner concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 11-346V, including all amendments and supplements thereto, is hereby withdrawn effective on February 6, 1973.

Dated: January 29, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-2177 Filed 2-5-73;8:45 am]

[DESI 10547; Docket No. FDC-D-525; NDA 10-547]

PHILIPS ROXANE LABORATORIES

Combination Drug Containing Isoproterenol Hydrochloride, Phenylpropanolamine Hydrochloride, and Glyceryl Guaiacolate; Notice of Withdrawal of Approval of New Drug Application

On November 15, 1972, there was published in the FEDERAL REGISTER (37 FR

24208) a notice of opportunity for hearing (DESI 10547) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug application for the following drug:

NDA 10-547; Bronkodyl tablets containing isoproterenol hydrochloride, phenylpropanolamine hydrochloride, and glyceryl guaiacolate; previously marketed by Philips Roxane Laboratories, Inc., 330 Oak Street, Columbus, Ohio 43216.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and 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.

Neither Philips Roxane Laboratories nor any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of new drug application 10-547 and all amendments and supplements applying thereto is withdrawn effective on February 6, 1973. Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: January 30, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-2245 Filed 2-5-73;8:45 am]

[FAP 3B2870]

MONSANTO INDUSTRIAL CHEMICALS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the 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 3B2870) has been filed by Monsanto Industrial Chemicals Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended in paragraph (b)(3)(xv) to provide for the safe use of ethylene and acrylamide as copolymers of vinyl chloride for use as a resinous and polymeric coating or coating component for food-contact surfaces.

Dated: January 26, 1973.

ALBERT C. KOLBYE, Jr.,
Acting Director, Bureau of Foods.

[FR Doc.73-2246 Filed 2-5-73;8:45 am]

[DESI 11234;Docket No. FDC-D-527; NDA 11-234]

WINTHROP LABORATORIES

Combination Drug Containing Quinacrine Hydrochloride, Chloroquine Phosphate, and Hydroxychloroquine Sulfate; Notice of Withdrawal of Approval of New Drug Application

On November 15, 1972, there was published in the FEDERAL REGISTER (37 FR 24209) a notice of opportunity for hearing (DESI 11234) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug application for the following drug:

NDA 11-234 Triquin tablets containing quinacrine hydrochloride, chloroquine, phosphate, and hydroxychloroquine sulfate; formerly marketed by Winthrop Laboratories, 90 Park Avenue, New York, N.Y. 10016.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and 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.

Neither Winthrop Laboratories nor any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of new drug application 11-234 and all amendments and supplements applying thereto is withdrawn effective on February 6, 1973. Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: January 30, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-2247 Filed 2-5-73;8:45 am]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (33 FR 5828 et seq., dated Apr. 16, 1968, as amended) is hereby further amended by adding the following at the end of section 8-B—*Organization and functions:*

8-B *Bureau of Supplemental Security Income for the Aged, Blind and Disabled* (BSSI)—Provides direction, leadership, and technical guidance for nationwide administration of the supplemental security income program for the aged, blind, and disabled. It develops, recommends and issues substantive policies, procedures and interpretations to provide program direction to the supplemental security income program administration throughout SSA. It directs the conversion of State and local aid to the aged, blind, and disabled assistance programs to the new Federal supplemental security income program. It negotiates agreements with States for Federal administration of State supplemental benefit programs. The Bureau appraises the quality and effectiveness of SSI program administration and assures program integrity by directing programs for detecting fraud and program abuse.

Assistant Director, Administration and Systems (BSSI)—Directs the planning, development, and implementation of Bureau management programs and the development and evaluation of systems requirements for implementing the supplemental security income program. Management programs include: Financial management, management services, space, management information, training, employee development, personnel management, organization, directives management, and short- and long-range planning. Directs the analysis of SSI systems requirements and the development and review of SSI systems specifications. Directs Bureau participaiton in develop-

ing process flow arrangements and data input mechanisms for converting State administered payment systems to a single Federal system.

Assistant Director, Operations (BSSI)—Directs the planning, development, implementation, and coordination of a program to assure effective interface between the States and the Social Security Administration in the operation of the supplemental security income program. Directs the development of agreements and policies for implementing Federal/State assistance program relationships. Directs the conversion of State cases to the Federal rolls and provides technical assistance to State/local agencies to insure that Federal requirements are met. Provides operational guidance and direction to the regional offices on operations, Federal/State relations, negotiations of agreements with States and Federal/State fiscal matters. Coordinates BSSI regional operations with other SSA components.

Assistant Director, Policy (BSSI)—Directs the development, promulgation, and interpretation of policies and substantive procedures unique to the supplemental security income program, including: Eligibility; amount of benefits; period for determination of benefits; special limits on gross income; limitation on eligibility of certain individuals; certain individuals deemed to meet resources and income tests; exclusions from income and resources; optional State supplementation; and, income/resources of individuals other than eligible individuals and eligible spouses. Coordinates the development, promulgation and implementation of supplemental security income program policies with other SSA components. Evaluates the effectiveness of supplemental security income program policies. Assures that SSI program requirements are reflected in common SSA program policies.

Assistant Director, Program Review (BSSI)—Directs the Bureau's program integrity and quality assurance programs. Plans, directs and coordinates Bureau activities and studies to assure regional and national uniformity of program administration. Directs the development and implementation of ongoing and special studies to measure and evaluate the effectiveness of SSI policies and procedures, and improve the quality of SSI work processes. Assures program integrity through directing a program of detecting fraud and program abuse by: Developing, implementing and appraising an SSI program integrity operation; designing systems to prevent and detect fraud and abuse, and participating in an SSA-wide program integrity operation with other SSA components.

(Section 6, Reorganization Plan No. 1 of 1953)

Dated: January 26, 1973.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.73-2248 Filed 2-5-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-18 N]

ATCHAFALAYA RIVER AND INTRACOASTAL WATERWAY, MORGAN CITY-PORT ALLEN (ALTERNATE ROUTE)

Order Governing the Movement of Vessels and Composition of Tows

Notice is hereby given that John D. McCubbin, Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District, has issued the following special order governing the movement of vessels and composition of tows:

LOUISIANA—ATCHAFALAYA RIVER AND INTRACOASTAL WATERWAY, MORGAN CITY-PORT ALLEN (ALTERNATE ROUTE)

Atchafalaya River, La.: Special order to govern navigation through the reach of the Lower Atchafalaya River (Berwick Bay) in the vicinity of the Southern Pacific Railroad Bridge and both highway bridges at Morgan City, La.

1. The Commander, Eighth Coast Guard District, has determined that an emergency condition exists due to the velocity of the flow of the Atchafalaya River in the vicinity of the Southern Pacific Railroad Bridge and both Highway bridges at Morgan City, La., and finds it necessary to issue this order governing the movement of vessels and the composition of tows through each of those bridges. The following order is effective immediately, under the authority of 33 CFR 6.04.

2. Day and night visual signals will be displayed prominently on the Southern Pacific Railroad Bridge when this order is in effect. During periods of foggy or inclement weather, or when for any other reason the visual signals cannot be seen, notice that the signals are being displayed will be given by blasts of a fog horn located on the bridge. To indicate that signals are being displayed to govern traffic moving through the bridges, one blast of 6 seconds duration will be sounded on air horn each minute.

3. By day the visual signals will consist of two red balls, 2 feet in diameter displayed one above the other not less than 4 nor more than 6 feet apart, from a pole, to indicate that vessels and tows moving through the bridges shall be governed by this order.

4. At night the visual signals will consist of two focused, flashing white lights visible 360 degrees, of such character as to be visible on a dark night with a clear atmosphere for a distance of at least 2 miles, displayed vertically one above the other, not less than 4 feet nor more than 6 feet apart.

5. When the signals described in paragraphs 2, 3, and 4 of this order are displayed, unless otherwise directed by the Commander, Eighth Coast Guard District, tows (except as described below) moving southward through any of the three bridge openings shall not exceed one barge or other vessel in addition to the towing vessel. Tows moving northward through any of the three bridge openings shall not exceed two barges or other vessels arranged in tandem in addition to the towing vessel. Towing on a hawser in either direction shall not be permitted. Tows shall move through the bridge openings at a minimum speed required to maintain steerageway.

6. The restrictions as to size of tows described in paragraph 5 of this order shall not apply to an integrated tow consisting of bow section, middle box sections and stern section, with the push boat made up rigidly astern.

7. The restrictions as to size of tows described in paragraph 5 of this order shall not apply to tows with two towing vessels, one at the head and one at the stern of the tow, nor shall they apply to tows with bow steering units.

8. No tow may proceed through any of the three bridge openings unless the towing vessel is of sufficient horsepower. Towing vessels less than 1,000 horsepower each are deemed to have insufficient horsepower to tow barges carrying particularly hazardous cargo.

9. "Particularly Hazardous Cargo" as used in this order shall mean:

A (1) Explosives, class A (commercial or military).

(2) Oxidizing materials for which a special permit for water transportation is required by 46 CFR 146.

(3) Radioactive materials for which special approval by the Commandant for water transportation is required by 46 CFR 146.

(4) Any dangerous cargo considered to involve a particular hazard, when transported or handled in bulk quantities, as further described in paragraph (B) of this section.

B (1) A dangerous carge considered to involve a particular hazard, when transported in bulk quantities on board vessels is any commodity which by virtue of its properties would create an unusual hazard if released. The commodities subject to this section are:

Acetaldehyde.	Ethyl ether.
Acetone cyanohydrin.	Ethylene oxide.
Acetonitrile.	Hydrochloric acid.
Acrylonitrile.	Methane.
Allyl alcohol.	Methyl acrylate.
Ammonia, anhydrous.	Methyl bromide.
Aniline.	Methyl chloride.
Butadiene.	Methyl methacrylate (monomer).
Carbolic oil.	Oleum.
Carbon disulfide.	Phenol.
Chlorine.	Phosphorus, elemental.
Chlorohydrins, crude.	Propane.
Crotonaldehyde.	Propylene.
1, 2, Dichloropropane.	Propylene oxide.
Dichloropropene.	Sulfuric acid.
Epichlorohydrin.	Sulfuric acid, spent
Ethylene.	Vinyl acetate.
	Vinyl chloride.
	Vinylidene chloride.

(2) Each commodity listed in subparagraph (1) of this paragraph is considered to possess one or more of the following properties:

i. Is highly reactive or unstable; or
ii. Has severe or unusual fire hazards; or
iii. Has severe toxic properties; or

iv. Requires refrigeration for its safe containment; or

v. Can cause brittle fracture of normal ship structural materials or ashore containment materials by reason of its being carried at low temperatures, or because of its low boiling point at atmospheric pressure (unless uncontrolled release of the cargo is not a major hazard to life).

10. Vessels and tows proceeding with the current shall have the right of way over vessels and tows proceeding against the current. When two vessels or tows are about to enter the navigation opening through the bridges from opposite directions at the same time, the vessel or tow proceeding against the current shall stop short of the opening until the vessel or tow having the right of way shall have passed through.

11. Vessels and tows desiring to pass through the navigation opening of any of the three bridges shall approach the opening along the axis of the channel and shall proceed with due regard for direction and velocity of the current and for any tendency to drift either to the right or to the left so as to pass through without danger of striking the bridges or their fenders. No vessel shall attempt passage through the navigation opening of the Southern Pacific Railroad bridge until it is fully open.

12. The bridge tender of the Southern Pacific Railroad bridge is available on 156.650 MHz and 156.8 MHz (channels 13 and 16) for information regarding the lift span and the marine traffic in the vicinity of the bridge.

13. Violation of this order is punishable by forfeiture of the vessel and its equipment, and a fine of not more than $10,000, and imprisonment for not more than 10 years. 50 U.S.C. 192, 33 CFR 6.18–1.

14. This order is effective immediately for barges carrying chlorine; this order is effective for southbound traffic at 6 p.m. c.s.t., Monday, January 15, 1973; this order is effective for northbound traffic at 6 p.m. c.s.t., Monday, January 22, 1973.

(Sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 937; 50 U.S.C. 191, 49 U.S.C. 1655(b)(1); Proc. No. 2914, 3 CFR 1949–53 Comp., p. 99 (1950), E.O. 10637, 3 CFR 1954–58 Comp., p. 269 (1955); 49 CFR 1.46(b))

Dated: January 31, 1973.

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

[FR Doc.73-2270 Filed 2-5-73;8:45 am]

[CGD 73-21 PH]

SEABOARD COAST LINE RAILROAD CO. BRIDGE, SAVANNAH RIVER, SAVANNAH, GA.

Notice of Public Hearing Concerning Proposed Bridge Alteration

Notice is hereby given that a public hearing regarding the Seaboard Coast Line Railroad Co. bridge across the Savannah River in Savannah harbor will be held on March 8, 1973 at 10:30 a.m. in the Assembly Room of the Chamber of Commerce, 100 East Bay Street, Savannah, GA. This hearing is being held under the authority of section 3 of the Act of June 21, 1940 (Truman-Hobbs Act), 54 Stat. 498, 33 U.S.C. 513; section 4(f), 80 Stat. 934, as amended, 49 U.S.C. 1653(f); section 6(g)(3), 80 Stat. 937, 49 U.S.C. 1655(g)(3); 33 CFR 116.20 and 49 CFR 1.46(c)(6).

The existing bridge provides a minimum horizontal clearance of 200 feet between fenders. Complaints from shipping interests have been received alleging that the horizontal clearance is unreasonably obstructive to navigation. The purpose of the hearing is to determine whether alteration is needed and if so what alteration is required, having due regard for the necessity of free and unobstructed navigation upon the river. The needs of rail traffic will also be considered.

Public comment, views, and data are required for ascertaining whether the bridge unreasonably obstructs navigation, whether vessels have unreasonable difficulty in passing the draw opening, the changes necessary to render navigation through or under the bridge reasonably free, easy and unobstructed, the character and the approximate amount of commerce affected by the obstructive features of the bridge, whether the commerce affected is sufficient to justify alteration of the bridge, and the impact of the alteration, if made, upon the quality of the human environment.

Any person who wishes to appear and be heard at this public hearing may do so and such person is requested to notify the Commander, Seventh Coast Guard District not later than March 1, 1973, indicating the amount of time required for initial statement. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each speaker. Persons requesting time to present oral statements will be notified if such allocation is necessary. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the record of the hearing. Such written statements and exhibits may be delivered at the hearing on March 8, 1973, or mailed prior to that date to Commander, Seventh Coast Guard District, 1018 Federal Building, 51 SW. First Avenue, Miami, FL 33130.

Dated: February 1, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.73-2212 Filed 2-5-73;8:45 am]

[CGD 73-14 N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from October 31, 1972, to December 13, 1972 (List No. 38–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, no longer manufactures certain kapok buoyant vests and Approvals Nos. 160.047/417/0, 160.047/418/0 and 160.047/419/0 were therefore terminated effective October 31, 1972.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, no longer manufactures certain kapok buoyant cushions and Approval No. 160.048/35/0 was therefore terminated effective November 15, 1972.

The Wallace Manufacturing Co., 273–285 Congress Street, Boston, MA 02210, no longer manufactures certain kapok buoyant cushions and Approval No. 160.048/145/0 was therefore terminated effective December 7, 1972.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, no longer manufactures certain unicellular plastic foam buoyant cushions and Approval No. 160.049/50/0 was therefore terminated effective November 15, 1972.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, no longer manufactures certain unicellar plastic foam buoyant vests and Approvals Nos. 160.052/183/1, 160.052/184/1 and 160.052/185/1 were therefore terminated effective October 31, 1972.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Kompolite Products Co., Inc., 55 Webster Avenue, New Rochelle, NY 10801, Approval No. 164.009/12/0 expired

and was terminated effective December 13, 1972.

Dated: January 30, 1973.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.73-2213 Filed 2-5-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-315, 50-316]

INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO.

Notice and Order for Second Prehearing Conference

JANUARY 30, 1973.

In the matter of Indiana and Michigan Electric Co. and Indiana and Michigan Power Co. (Donald C. Cook Nuclear Plant, Units 1 and 2), Dockets Nos. 50-315, 50-316.

Take notice, that after giving careful consideration to the various motions for a second prehearing conference, the instant Atomic Safety and Licensing Board (Board) directs that a second prehearing conference be held in the subject proceeding on March 22, 1973, at 10 a.m., local time, in Courtroom 24 of the U.S. District Court, Third and Constitution Avenue NW., Washington, DC 20001.

The Board further directs that the parties make every effort to reach a fully executed stipulation, which is to be submitted to the Board at the time of the second prehearing conference, relating to:

A. The contentions to be litigated;

B. The contentions which need not be litigated; and

C. The contentions on which the parties are unable to reach agreement and to which the Board will have to render rulings as to their admissibility.

If the Board, at the second prehearing conference, determines that satisfactory progress has not been made in refining the issues, it will take the necessary steps to expedite the matter, including, if required, ruling on the key issues for discovery purposes.

The Board will also discuss the schedules regarding completion of the Regulatory Staff's Safety Evaluation Report and Final Environmental Statement. The feasibility of holding separate evidentiary hearings for health and safety matters and environmental issues will also be topics for consideration at the prehearing conference.

It is so ordered.

The Atomic Safety and Licensing Board.

Issued at Washington, D.C., this 30th day of January 1973.

JEROME GARFINKEL,
Chairman.

[FR Doc.73-2180 Filed 2-5-73;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Order Extending Completion Date

Nebraska Public Power District (permittee) is the holder of Provisional Construction Permit No. CPPR-42, issued by the Commission on June 4, 1968, for construction of the Cooper Nuclear Station, a 2381 megawatt (thermal) boiling water nuclear reactor, presently under construction at the permittee's site on the west bank of the Missouri River near the village of Brownville, Nemaha County, Nebr.

By application dated December 21, 1972, and supplement thereto dated January 5, 1973, the permittee requested an extension of the completion date because of delays resulting from: (1) Tasks related to installation of structures necessary to mitigate the effects of pipe whip in the primary containment; (2) additional engineering effort on the augmented liquid and gaseous radwaste treatment systems, and on the containment atmospheric dilution (CAD) system; (3) design modifications affecting several safety related systems; (4) rework related to deficiencies uncovered by the permittee's quality control program and silting problems in the circulating water system; and (5) late quality control documentation from vendors, increased inspection resulting from revisions to the ASME Code, strikes, work stoppages and inclement weather. The Director of Regulation having determined that this action involves no significant hazards consideration, and good cause having been shown:

It is hereby ordered, That the latest completion date for CPPR-42 is extended from February 1, 1973, to December 1, 1973.

Date of issuance: January 30, 1973.

For the Atomic Energy Commission.

ROGER S. BOYD,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-2214 Filed 2-5-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Closed Meeting

FEBRUARY 1, 1973.

The Advisory Committee on Reactor Safeguards will hold a closed meeting on February 8-10, 1973, at 1717 H Street NW., Washington, DC.

The agenda items tentatively scheduled for consideration are as follows:

Duane Arnold Nuclear Energy Center—Operation.

North Anna Power Station Units 3 and 4—Construction.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73-2361 Filed 2-5-73;8:45 am]

CIVIL AERONAUTICS BOARD

DASSAULT INTERNATIONAL

Notice of Meeting

Notice is hereby given that a presentation regarding the Falcon/Mystere 30 aircraft will be made by the above company on February 14, 1973, at 2:30 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., January 31, 1973.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-2266 Filed 2-5-73;8:45 am]

[Docket No. 25021]

EMPRESA GUATEMALTECA DE AVIACION

Notice of Postponement of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference and hearing in the above-entitled proceeding now scheduled for February 6, 1973 (38 FR 1761), is hereby postponed until February 27, 1973, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned administrative law judge.

Dated at Washington, D.C., January 31, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-2267 Filed 2-5-73;8:45 am]

[Docket No. 23333; Order 73-1-81]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, January 29, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference three of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated January 12, 1973, names and additional specific commodity rate and the cancellation of an existing rate. The additional rate, as set forth below, represents a reduction from the otherwise applicable general cargo rates.

Agreement CAB	Specific commodity item No.	Description and rate
23402: R-1	0003	Foodstuffs including dairy products, seafood and meats 13.21 United Kingdom pence (31 U.S. cents), minimum weight 500 kgs. 10.61 United Kingdom pence (24.9 U.S. cents), minimum weight 1,000 kgs. From Sydney to Pago Pago (Cancellation).
R-2	9010	Furniture and furniture parts 18.20 United Kingdom pence (43 U.S. cents), minimum weight 100 kgs. From Auckland to Pago Pago.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 23492, R–1 and R–2, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-2269 Filed 2-5-73;8:45 am]

[Docket No. 24739]

SCHENKERS INTERNATIONAL FORWARDERS, INC.

Notice of Hearing

Schenker & Co. GmbH (Germany), doing business as Schenkers International Forwarders, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 20, 1973, at 10 a.m. (local time), in Room 1031, North Universal Building, 1875 Connecticut Avenue NW., before the undersigned administrative law judge.

Dated at Washington, D.C., January 30, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-2268 Filed 2-5-73;8:45 am]

CIVIL SERVICE COMMISSION

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized on December 14, 1972, the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Technical Analysis, Office of Assistant Administrator for Enforcement and General Counsel.

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

[FR Doc.73-2280 Filed 2-5-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized on January 9, 1973, the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Regional Liaison, Office of the Administrator.

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

[FR Doc.73-2281 Filed 2-5-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized on January 9, 1973, the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Director, National Institute of Education, Education Division.

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

[FR Doc.73-2282 Filed 2-5-73;8:45 am]

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revoked on September 22, 1972, the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary for Special Programs, Office of the Secretary.

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

[FR Doc.73-2283 Filed 2-5-73;8:45 am]

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized on September 22, 1972, the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Confidential Assistant to the Under Secretary, Office of the Secretary.

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

[FR Doc.73-2284 Filed 2-5-73;8:45 am]

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized on January 3, 1973, the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner for Occupational and Adult Education, Office of Education, Bureau of Occupational and Adult Education.

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

[FR Doc.73-2285 Filed 2-5-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized on January 26, 1973, the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Indian Affairs, Office of the Secretary.

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

[FR Doc.73-2286 Filed 2-5-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18128, 18684]

AMERICAN TELEPHONE & TELEGRAPH CO.

Certain Tariff Revisions; Extension of Time

In the matter of American Telephone & Telegraph Co., long lines department; revisions of Tariff F.C.C. No. 260 Private

Line Services, Series 5000 (TELPAK), Docket No. 18128.

American Telephone & Telegraph Co.; revision of American Telephone & Telegraph Co. Tariff F.C.C. No. 260 Series 6000 and 7000 Channels (program transmission services), Docket No. 18684.

Petitions requesting an extension of time, within which to file proposed findings of fact and conclusions of law in the above-captioned consolidated proceeding have been submitted by Department of Defense, Microwave Communications, Inc. and The Western Union Telegraph Co.

The record in this proceeding is monumental and the foregoing unopposed petitions have demonstrated good cause for the requested extension. Accordingly, pursuant to § 0.303(c) of the Commission's rules, the date for the filing of proposed findings is extended from February 8, 1973 to March 12, 1973.

Adopted: January 29, 1973.

Released: January 30, 1973.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.73-2263 Filed 2-5-73;8:45 am]

[Report 633]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 29, 1973.

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

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

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

JANUARY 29, 1973.

5399-C2-P-(2)-73—Radio Telephone of Maine (KQZ780), to change control antenna location and reorient repeater antenna at 12 Acme Road, Brewer, ME, operation 454.325 Control and 459.325 Repeater.

5401-C2-P-(2)-73—Auto Phone Service (KIB384), C.P. for additional facilities operating on 454.050 and 454.100 MHz at 250 North Orange Avenue, Orlando, FL.

5402-C2-P-(3)-73—Empire Communications Co. (KOK331), for additional facilities (location No. 4) to operate on 152.15 MHz and 72.42 MHz Repeater at Goodwin Peak, 7 miles South of Mapleton, Oreg. and 75.92 MHz Control at 162 East Sixth Avenue, Eugene, OR.

5403-C2-AL-73—Piedmont Telephone Co. (KIM907), consent to assignment of license from Piedmont Telephone Co., Assignor to First Colony Telephone Co., Assignee. Station: KIM907.

5441-C2-P-73—Empire Communications Co. (KLF955), C.P. to replace transmitter, operating on 459.15 MHz Repeater at 10 miles southwest on Powell, Butte, Prineville, Oreg.

5442-C2-AP/AL-(3)-73—Sherman M. Wolf doing business as Zipcall, consent to assignment of permit and license from Sherman M. Wolf doing business as Zipcall, Assignor to DPRS, Inc., trading as Zipcall, Assignee. Stations: KCB890, KTS212, and KTS213.

5430-C2-P-(6)-73—Radio Page Communications, Inc. (KME438), for additional facilities (one-way signaling) operating on 35.22 MHz at location No. 1: 1518 Skyline Road, La Habra Heights, CA, location No. 2: Costa Mesa, Calif., location No. 3: Sand Pedro Hill, approximately 2 miles west of San Pedro, Calif., location No. 4: 1021 Sixth Street, Los Angeles, CA, location No. 5: 8155 Van Nuys Avenue, Van Nuys, CA, location No. 6: Flint Peak, 0.7 miles east of Chevy Chase Drive, Glendale, Calif.

Major Amendments

195-C2-P-73—Albert M. Steiner, trading as Long Island Telephone Co. (KEJ885), amend to add base facilities operating on 454.250 MHz at a location No. 5 described as 920 Crooked Hill Road, Brentwood, NY. All other particulars of operation remain as reported in Public Notice No. 606 dated July 24, 1972.

636-C2-P-(3)-73—Pass Word, Inc. (KMM697), amend to add additional base facilities at location No. 1 operating on frequencies 454.025 and 454.075 MHz. All other particulars of operation are to remain as reported on Public Notice No. 608 dated August 7, 1972.

1193-C2-P-(3)-73—Caprock Communications, Inc., doing business as Caprock Dispatch (KKO353), amend to add control facilities operation on 72.32 MHz at a location described as 102 West First Street, Roswell, NM. All other particulars of operation are to remain as reported on Public Notice No. 612 dated September 5, 1972.

On the common carrier public notice of September 25, 1972 (Report No. 615), applicants were advised that, pursuant to § 21.15(c)(5) of the Commission's rules, an application proposing a new station should contain a statement concerning the availability of the site to be used and, if not owned by the applicant, the terms of (or copy of) any agreements for the use of the site and free access to the station facilities. A substantial number of applications on file, particularly those pending as of September 25, still have not been amended to include this information. Therefore, any pending application which has not been amended as necessary in this regard on or before February 28, 1973 will be subject to being returned as defective pursuant to § 21.20 of the rules.

POINT-TO-POINT MICROWAVE RADIO SERVICE

5318-C1-TC-(4)-73—Garden State Micro Relay, Inc., consent to transfer of control from Warner Communications, Inc., Transferor, to Warner Cable Corp., Transferee (Pro forma). Stations: (KEM55) Chatsworth, N.J.; (KEM56) Milmay, N.J.; (KYZ90) North Wildwood, N.J.; (WAY88) Temporary-fixed.

5319-C1-TC-(5)-73—TV Cables of Mississippi, consent to transfer of control from Warner Communications, Inc., Transferor, to Warner Cable Corp., Transferee (Pro Forma). Stations: (KLT74) Farrell, Miss.; (KLT75) Cleveland, Miss.; (KTQ99) Indianola, Miss.; (KTR20) Leland, Miss.; (KTR21) Alligator, Miss.

The following application was erroneously omitted from Public Notice, dated January 8, 1973, Report No. 630.

4855-C1-P-73—The Pacific Telephone & Telegraph Co. (KMX55), Hall Canyon Hill, 1.5 miles northeast of Ventura, Calif., latitude 34°17'47" N. and longitude 119°16'21" W., C.P. to add frequency 3930V MHz toward Santa Ynez Peak, Calif.; frequency 4170V MHz toward Topanga Ridge, Calif.

5344-C1-P-73—Nebraska Consolidated Communications Corp. (New), C.P. for a new station at 20 North Wacker Drive, Chicago, IL, at latitude 41°52'56" N. and longitude 87°-38'15" W., frequencies 6034.2H, 6093.5H, 6152.8H MHz toward Glendale on azimuth 274°06'.

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

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

5345–C1–P–73—Same (New), C.P. for a new station 1.5 miles northwest of Glendale, Ill., at latitude 41°54'24" N. and longitude 88°06'39" W., frequencies 6256.5V, 6375.2V, 6315.9V MHz toward Lily Lake, Ill., on azimuth 284°07'; 6286.2V toward Chicago on azimuth 93°48'.

5346–C1–P–73—Same (New), C.P. for a new station 1.8 miles north of Lily Lake, Ill., at latitude 41°58'28" N. and longitude 88°28'30" W. frequencies 5989.7H, 6108.3H, 6049.0H MHz toward DeKalb, Ill., on azimuth 249°08'; 6034.2H MHz toward Glendale, Ill., on azimuth 103°52'.

5347–C1–P–73—Same (New), C.P. for a new station 2 miles northeast of Oregon, Ill., latitude 42°02'25" N. and longitude 89°18'50" W., frequencies 6034.2H, 6093.5H, 6152.8H MHz toward Sterling, Ill., on azimuth 239°36'; 6034.2H MHz toward DeKalb, Ill., on azimuth 112°59'.

5348–C1–P–73—Same (New), C.P. for a new station 4.5 miles southwest of DeKalb, Ill., latitude 41°52'44" N. and longitude 88°48'31" W., frequencies 6256.5V, 6375.2V, 6315.9V MHz toward Oregon, Ill., on azimuth 239°20'; 6286.2H MHz toward Lily Lake, Ill., on azimuth 68°54'.

5349–C1–P–73—Same (New), C.P. for a new station 5 miles north-northwest of Sterling, Ill., at latitude 41°51'03" N. and longitude 89°44'38" W., frequencies 6301.0V, 6360.3V, 6419.6V MHz toward Clinton, Iowa, on azimuth 283°07'; 6301.0H MHz toward Oregon, Ill., on azimuth 59°19'.

5350–C1–P–73—Nebraska Consolidated Communications Corp. (New), C.P. for a new station 10 miles north-northwest of Clinton, Iowa, at latitude 41°56'18" N. and longitude 90°15'11" W., frequencies 6034.2V, 6152.8V, 6093.5V MHz toward Davenport, Iowa, on azimuth 205°32'; 6034.2V MHz toward Sterling, Ill. on azimuth 102°47'.

5351–C1–P–73—Same (New), C.P. for a new station 2 miles northeast of Davenport, Iowa, at latitude 41°34'28" N. and longitude 90°29'04" W., frequencies 6286.2V, 6345.5V, 6404.8V MHz toward Muscatine, Iowa, on azimuth 253°36'; 6286.2H MHz toward Clinton, Ill., on azimuth 25°23'.

5352–C1–P–73—Same (New), C.P. for a new station 5 miles northeast of Muscatine, Iowa, at latitude 41°27'31" N. and longitude 91°00'08" W., frequencies 6034.2V, 6152.8V, 6093.5V MHz toward Iowa City, Iowa, on azimuth 301°18'; 6034.2V, 6093.5V MHz toward Davenport, Iowa, on azimuth 73°15'.

5353–C1–P–73—Same (New), C.P. for a new station 4.5 miles west-southwest of Williamsburg, Iowa, at latitude 41°39'20" N. and longitude 92°05'14" W., frequencies 6034.2V, 6093.5V, 6152.8V MHz toward Malcom, Iowa, on azimuth 282°10'; 6034.2H, 6093.5H MHz toward Iowa City, Iowa, on azimuth 87°35'.

5354–C1–P–73—Same (New), C.P. for a new station 1 mile northeast of Iowa City, Iowa, at latitude 41°40'24" N. and longitude 91°28'31" W., frequencies 6286.2V, 6345.5V, 6404.8V MHz toward Williamsburg, Iowa, on azimuth 267°59'; 6286.2H, 6345.5H MHz toward Muscatine, Iowa, on azimuth 120°59'.

5355–C1–P–73—Same (New), C.P. for a new station 2.5 miles north-northeast of Reasoner, Iowa, at latitude 41°36'27" N. and longitude 93°00'30" W., frequencies 6034.5V, 6152.8V, 6093.5V MHz toward Des Moines, Iowa, on azimuth 271°14'; 6034.2H, 6093.5H MHz toward Malcom, Iowa, on azimuth 68°56'.

5356–C1–P–73—Same (New), C.P. for a new station 2 miles northwest of Malcom, Iowa, at latitude 41°43'58" N. and longitude 92°34'17" W., frequencies 6286.2V, 6345.5V, 6404.8V MHz toward Reasoner, Iowa, on azimuth 249°13'; 6286.2H, 6345.5H MHz toward Williamsburg, Iowa, on azimuth 101°51'.

5357–C1–P–73—Same (New), C.P. for a new station 2.3 miles southwest of Altoona, Iowa, at latitude 41°36'51" N. and longitude 93°29'05" W., frequencies 6345.5V, 6404.8V, 6375.2V MHz toward Adel, Iowa, on azimuth 268°43'; 6286.2H, 6345.5H MHz toward Reasoner, Iowa, on azimuth 90°55'.

5358–C1–P–73—Same (New), C.P. for a new station 3 miles southwest of Adel, Iowa, at latitude 41°36'12" N. and longitude 94°02'53" W., frequencies 6034.2V, 6093.5V, 6152.8V MHz toward Casey, Iowa, on azimuth 243°41'; 6093.5H, 6152.8H MHz toward Des Moines, Iowa, on azimuth 88°21'.

5359–C1–P–73—Same (New), C.P. for a new station 5.25 miles south-southeast of Casey, Iowa, at latitude 41°26'18" N. and longitude 94°29'21" W., frequencies 6286.2V, 6345.5V, 6404.8V MHz toward Lewis, Iowa, on azimuth 250°24'; 6286.2H, 6345.5H MHz toward Adel, Iowa, on azimuth 63°24'.

5360–C1–P–73—Nebraska Consolidated Communications Corp. (New), C.P. for a new station 5 miles east of Lewis, Iowa, at latitude 41°18'00" N. and longitude 95°00'00" W., frequencies 6034.2V, 6093.5V, 6152.8V MHz toward Bentley, Iowa, on azimuth 285°53'; 6034.2H, 6093.5H MHz toward Casey, Iowa, on azimuth 70°04'.

5361–C1–P–73—Same (New), C.P. for a new station 4.5 miles east-northeast of Bentley, Iowa, at latitude 41°24'35" N. and longitude 95°31'04" W., frequencies 6286.2V, 6345.5V, 6404.8V MHz toward Omaha, Nebr., on azimuth 244°37'; 6286.2H, 6345.5H MHz toward Lewis, Iowa, on azimuth 105°32'.

5362–C1–P–73—Same (New), C.P. for a new station at 18th and Farnam Streets in Omaha, Nebr., at latitude 41°15'28" N. and longitude 95°56'24" W., frequencies 6034.2H, 6093.5H MHz toward Bentley, Iowa, on azimuth 64°20'.

5363–C1–P–73—American Telephone & Telegraph Co. (KEE60), 2.5 miles northwest of Colesville, N.J., latitude 41°18'14" N. and longitude 74°40'25" W., C.P. to add frequency 4070H MHz toward Campbell Hall, N.Y.

5364–C1–P–73—Same (KTQ68), 2 miles east of Campbell Hall, N.Y., latitude 41°26'30" N. and longitude 74°13'43" W. C.P. to add frequency 4030H MHz toward Colesville, N.J.; frequency 4030H MHz toward Putnam Valley, N.Y.

5365–C1–P–73—Same (KTQ67), 3.9 miles east of Cold Spring, N.Y., latitude 41°25'54" N. and longitude 73°52'52" W., C.P. to add frequency 4070H MHz toward Campbell, N.Y.

5404–C1–ML–73—American Telephone & Telegraph Co. (KIL84), 3 miles north-northwest of Allendale, S.C., latitude 33°01'56" N. and longitude 81°20'53" W., modification of license to change polarization from V to H on frequency 3890H toward Blackville, S.C.; frequencies 3710H, 3870H, 3790H, and 3950H MHz toward Newington, Ga.

5405–C1–ML–73—Same (KIL31), 2 miles west of Hancock Landing, Ga., latitude 33°09'13" N. and longitude 81°47'43" W., modification of license to change polarization from V to H on frequencies 3750H, 3830H, 3910H, 3990H, 4070H, and 4150H MHz toward Augusta, Ga.; frequencies 3750H, 3830H, 3910H, 3990H, and 4150H MHz toward Allendale, S.C.

5406–C1–ML–73—Same (KIL30), 937 Greene Street, Augusta, GA. Latitude 33°28'30" N., longitude 81°58'10" W. Modification of license to change latitude from 33°28'29" to 33°28'30" and longitude from 81°58'11" to 81°58'10".

5407–C1–ML–73—Same (KJC30), 4.2 miles north-northwest of Blackville, S.C. Latitude 33°24'55" N., longitude 81°17'02" W. Modification of license to change polarization from V to H on frequencies 3930H, 4010H, 4090H, and 4170H MHz toward Allendale, S.C.

5414–C1–P–73—The Mountain States Telephone & Telegraph Co. (New), Tumamoc Hill, 1.5 miles west of Tucson, Ariz. Latitude 32°12'51" N., longitude 111°00'18" W. C.P. for a new station on frequencies 11,685H and 11,445V MHz toward Marana, Ariz., via Passive Reflector.

5415–C1–P–73—The Mountain States Telephone & Telegraph Co. (New), First Street and Avra Valley Road, Silver Bell, AZ. Latitude 32°23'06" N., longitude 111°29'47" W. C.P. for a new station on frequencies 11,405V and 11,645H MHz toward Silver Bell, Ariz., via Passive Reflector.

5416–C1–P–73—Same (KPZ86), 301 South County Road No. 117, Marana, Ariz. Latitude 32°27'21" N., longitude 111°12'57" W. C.P. to add frequencies 10,755H and 10,995V MHz toward Marana, Ariz. via Passive Reflector; frequencies 10,955V and 10,715H MHz toward Silver Bell, Ariz. via Passive Reflector.

[FR Doc.73–2166 Filed 2–5–73;8:45 am]

MATSUSHITA ELECTRIC CORP.

Interpretations for Class I TV Devices

JANUARY 29, 1973.

FCC Chief Engineer Raymond E. Spence has clarified a number of points concerning rules adopted for Class I TV devices (Docket 19281) in response to questions raised by Matsushita Electric Corp. of America (MEC).

The following issues were covered in a letter to MEC:

I. *Effective date.* As far as the user (purchaser) of the equipment is concerned, the effective date is the earliest date that the user can operate the equipment or carry on the activity that is permitted. As far as a U.S.A. manufacturer is concerned, the effective date is the earliest date when the equipment (which had previously received the appropriate FCC authorization) may be shipped or sold. As far as a foreign manufacturer, the effective date is the earliest date when the equipment (which had previously received the appropriate FCC authorization) may be imported into the U.S.A.

II. *Frequency tolerance.* The intent of the rules is to protect reception of TV signals when a Class I TV device is operating on an adjacent channel. While a frequency tolerance comparable to that required of a TV broadcast station would be desirable, it is considered unnecessarily severe. Although no specific frequency tolerance is required, § 15.401(a) is construed to mean that both the picture carrier and any associated sound carrier shall remain within the intended TV channel under all conditions of operation.

III. *Aural output signal level.* The aural carrier level is lower than the level permitted at a TV broadcast station (§ 73.-682(a)(15)); it agrees more closely with the levels currently used in CATV systems.

IV. *Type approval.* A. Please disregard the procedural details set out in our present Part 2 rules. These are being revised in our Docket No. 19356. To facilitate handling, please submit your application on FCC Form 729 accompanied by the required filing fee and the attachments specified in § 15.411 and send the entire package to the FCC, Washington, D.C. 20554. It should not be marked for the attention of any individual or office. The filing fee will be removed by our Fee Cage and the Form 729 and attachments will be forwarded to our laboratory. If the application appears to be satisfactory, the laboratory will authorize you to ship or deliver the sample for test. The circuit diagrams and instruction manual may accompany either the Form 729 or the sample. However, the technical specification must accompany the Form 729, since this information is used to determine whether the device is eligible for type approval.

B. The terms "reasonable assurance" and "average maintenance" have the commonly understood meanings. Our procedure is to examine the equipment and the details of construction and to estimate the kind of maintenance this equipment will receive at the hands of the public. On this basis, our engineers make an estimate about continued compliance as the equipment ages. The purpose of this language is to provide a means of keeping shoddy equipment out of the hands of the public.

C. Control accessible to the user includes a control on the surface of the cabinet as well as a control accessible through a hole in the cabinet by a tool such as a screwdriver or tuning or trimming rod. It does not include an internal control that can be reached only after the cabinet or housing is removed.

D. After a model has been type approved, changes in cabinet color (but not cabinet materials) may be made by the manufacturer without prior approval provided no change is made in the type number. However, if the type number is changed to correspond to the new color, or a change in trade name is made, an application for a new type approval must be submitted with a new filing fee equal to that for a modification of a type approval. Submission of a new sample, technical specifications and diagrams is not required for such a minor change. On the other hand, changes in cabinet construction or material may require retesting.

E. For testing for type approval you may submit an engineering or prototype sample prior to mass production. It must be understood, however, that the units produced on the production line for regular sale must be identical to the sample that had been tested at our laboratory. You may want to discuss this matter further with the engineers at our laboratory.

V. *Certification of built-in tuner.* A Class I TV device which incorporates a TV tuner or receiver is considered to be both a Class I TV device and a TV receiver. It must be both type approved and certificated in compliance with Subparts H and C of Part 15, and it must be labeled in accordance with the two labeling requirements of these subparts. In certifying the receiver, you may ignore the performance of the Class I device, and in type approving the Class I device our engineers will ignore the emission of the TV receiver portion of the system.

A somewhat different situation is presented by a tape recorder or player associated with a Class I TV device. A tape machine, when it exists entirely apart from a Class I TV device is considered to be a restricted radiation device, and its emissions are regulated by Section 15.7. The present rules do not require certification or type approval of such a device. When a Class I TV device incorporates a tape machine, or is incorporated within a tape machine, or when one is attached to the other the combination is treated as a Class I TV device and the emissions from each portion of the system are treated alike.

VI. *Modules.* You have shown us systems composed of video recorder NV-3082, modulator NV-U415 for channel 5 or NV-U416 for channel 6, external color adaptor NV-A610 (containing a modulator), AC adaptor and TV camera. This system can be type approved as a single model with the listed optional accessories if a single application is filed. Samples of all units are required. The type approval label should be placed upon the principal unit, which in this case appears to be the video recorder NV-3082. If the color adaptor is to be used with the camera, but without the video recorder, we now have a different system, which will require a different type approval number. In other cases, appropriate decisions will be made by the laboratory, depending upon the system proposed.

VII. *Antenna transfer switch.* The purpose of this switch is to make sure that the output of Class I TV device is not fed directly into the antenna normally connected to the TV receiver. It was contemplated that this switch would either be built into the Class I TV device or be permanently attached to the end of the cable from the Class I TV device to the TV receiver. In the first case, it was contemplated that antenna terminals would be provided at the Class I TV device. In the second case—on the body of the switch. However, we are prepared to accept a separate switch provided it is accompanied by instructions which, if followed, will achieve the required isolation. See Report No. 4334 concerning our letter to EIA on this subject. We have no requirement for use of connectors with special configurations. The device should, of course, be provided with clear instructions for the connection of the switch.

VIII. *Test conditions.* When testing a Class I TV device for type approval, all ancillary equipment should be attached. Unused terminals may be terminated at discretion of the engineers at our laboratory.

As was pointed out during our January 9, 1973, meeting, this is a new field. Based on the experience that will be accumulated during our testing activity, it may be necessary to revise the above answers, or our testing procedures, or the rules that have been promulgated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-2261 Filed 2-5-73;8:45 am]

MOTOROLA INC.

Antenna Radio Frequency Indicator; Interpretation of Rule

JANUARY 29, 1973.

Safety and Special Radio Services Bureau Chief James E. Barr has sent the following letter in response to a request by Motorola, Inc., for an interpretation of the rule applying to devices used in the maritime mobile service (Part 83) to indicate radiation of radio frequency energy:

Reference is made to your letter of January 10, 1973, concerning interpretation of § 83.528, Part 83, of the Commission's rules.

The device required by § 83.528 must be capable of indicating that radio frequency energy is being radiated from the antenna. While it is not necessary that the visual indicator employed be calibrated to indicate the amount of power actually being radiated from the antenna, the visual indicator must be capable of showing that the transmitter is supplying power to the antenna in both the low power (1 watt) and full power output positions. A device of this type will provide ready indication if the transmission line is open, or if the antenna has been carried away.

In regard to the use of a voltage standing wave ratio (VSWR) meter, such an indicator would convey substantially less information to the nontechnical user than would be conveyed by a radiated power indicator. The significance of the VSWR reading would vary from vessel to vessel depending on the length of transmission line and type of antenna (impedance match or mismatch) employed. It would not, however, provide distinction between the low power and full power output positions of the transmitter.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-2260 Filed 2-5-73;8:45 am]

[FCC 73-110]

AMOS J. MATHEWSON AND DALE A. OWENS

Standard Broadcast Applications

JANUARY 31, 1973.

The following applications seek the identical facilities of former station KPAS, Banning, Calif. The license of KPAS was canceled and the station's call letters were deleted by Commission action of November 22, 1972. See letter of November 22, 1972, addressed to Banning Broadcasting Co., FCC 72-1048. Accordingly, we have waived the provisions of Note 2 to § 1.571 of the Commission's rules and accepted the applications for filing. Similarly, we will accept any other applications for consolidation with the following applications which propose essentially the same facilities.

NEW, Banning, Calif.,
Amos Joseph Mathewson, trading as Bud's Broadcasting Co.
Req: 1490 kHz, 250 W, U.

NEW, Banning, Calif.,
Dale A. Owens
Req: 1490 kHz, 250 W, U.

Pursuant to the provisions of §§ 1.227 (b)(1), 1.591(b) and Note 2 to § 1.571 of the Commission's rules, an application, in order to be consolidated with the above applications must be in direct conflict and tendered no later than March 14, 1973.

The attention of any party in interest desiring to file pleadings concerning these applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Action by the Commission January 31, 1973.[1]

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-2262 Filed 2-5-73;8:45 am]

NATIONAL INDUSTRY ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of Working Groups I and V, Broadcast Services Subcommittee, National Industry Advisory Committee, to be held Tuesday, February 13, 1973. The Working Groups will meet in joint session at 1229 20th Street NW., Washington, DC, Room A-205 at 2 p.m.

Purpose. To prepare and submit recommendations to the Federal Communications Commission concerning voluntary organized industry participation in the Emergency Broadcast System.

Agenda. The agenda for the meeting is, as follows:

1. Scheduled closed circuit tests of nation-level interconnecting systems and facilities of the Emergency Broadcast System (EBS). (§ 73.962, FCC rules)
2. Revision of the basic EBS plan, dated August 4, 1967. (§ 73.913, FCC rules)
3. Revision of detailed State EBS operational plans. (§ 73.922, FCC rules)
4. Emergency operations.

It is suggested that those desiring more specific information about the meeting telephone the Emergency Communications Division (202) 632-7232.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[FR Doc.73-2363 Filed 2-5-73; *:** am]

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH AND EVANS PRODUCTS COMPANY

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 28, 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:

Leonard Putnam, City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, Calif. 90802.

Agreement No. T-1985-3, between the City of Long Beach (City) and Evans Products Co. (Evans), modifies the basic agreement (as amended), which provides for the lease to Evans of certain marine terminal properties at Long Beach, Calif. The purpose of the modification is to: (1) Reduce the area of Parcel 1 of the premises by 12,716 square feet; (2) increase Evans' rental for Parcel 1 by $6,292 to $232,952 for the period of September 6, 1968 to September 5, 1969, as provided for in a rental adjustment provision of the basic agreement, as well as increase the rental for Parcel 1 by $8,778 to $250,000 annually for the balance of the term of the agreement commencing September 6, 1973; (3) add a 281,595 square foot Parcel II to the premises at an annual rental of $350,000; (4) provide that Evans will be entitled to a credit in computing its minimum rental obligation in an amount equal to the wharfage and dockage charges accruing from any temporary use of the facility by the City, provided that after the minimum rental obligation had been met, charges accruing from such use are to be divided equally between the parties until the City

[1] Commissioners Burch (Chairman), Robert E. Lee, H. Rex Lee, Reid and Wiley, with Commissioners Johnson and Hooks concurring.

has been paid $125,000 after which the City and Evans are to receive 25 and 75 percent respectively of said wharfage and dockage charges, with all other tariff charges reverting to Evans; (5) provide that, in the event of labor disruptions rendering Evans incapable of using the facility for its intended use, the minimum rental obligation is to be proportionately reduced if it had not been already met for that year; and (6) make other minor rental adjustments.

By order of the Federal Maritime Commission.

Dated: February 1, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-2292 Filed 2-5-73;8:45 am]

HANSA LINE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 16, 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:

Richard W. Kurrus, Esq., Kurrus and Jacobi, 2000 K Street NW., Washington, DC 20006

Agreement No. 9972-1 is a request by the above named carriers to extend the approval of Agreement No. 9972, the Mediterranean Discussion Agreement, for an additional 6 months. The basic agreement which was originally approved for 1 year on January 20, 1972, provides for the exchange of information and cooperation in developing information relating to the carriage of cargo in intermodal containers between U.S. Atlantic ports and Mediterranean ports for the purpose of determining whether uniform and agreed rules, practices, and procedures are needed to improve the benefits of container services for both shippers and carriers.

By order of the Federal Maritime Commission.

Dated: February 1, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-2293 Filed 2-5-73;8:45 am]

[Independent Ocean Freight Forwarder License 569]

E. A. GONZALEZ CO., INC.

Order of Revocation

On January 23, 1973, the Federal Maritime Commission received notification that E. A. Gonzalez Co., Inc., 52 Broadway, New York, NY 10004 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 569 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder License No. 569 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of E. A. Gonzalez Co., Inc. be and is hereby revoked effective January 23, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon E. A. Gonzalez Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-2294 Filed 2-5-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY TRANSMISSION—TECHNICAL ADVISORY TASK FORCE—FACILITIES

Order Designating Member

JANUARY 30, 1973.

The Federal Power Commission by order issued December 21, 1971 established the Technical Advisory and Coordinating Committee task forces of the National Gas Survey.

1. Membership. Mr. Malcolm H. Boswell, a member of the task force has resigned. A new member to the transmission—technical advisory task force—facilities, as selected by the Chairman of the Commission with the approval of the Commission, follows:

Alexander H. Carameros, director of engineering and design, El Paso Natural Gas Co.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2234 Filed 2-5-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

Order Designating Additional Member

JANUARY 30, 1973.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Research and Development.

2. Membership. An additional member of the Technical Advisory Committee on Research and Development, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Dr. Chauncey Starr, President, Electric Power Research Council.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2236 Filed 2-5-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Notice of Meeting and Agenda

Agenda, for a meeting of the Technical Advisory Committee on Power Supply to be held at the Federal Power Commission offices, 441 G Street NW., Washington, DC, 9:30 a.m., February 13, 1973, Room 2043.

1. Meeting opened by FPC coordinating representative.
2. Objectives and purposes of meeting.
A. Additions and corrections to minutes of meeting of December 13, 1972.
B. Report by chairman regarding coordinating committee meeting of January 17, 1973, and the executive advisory committee meeting of January 18, 1973.
C. Interim report from chairman of task force on forecast review.
D. Discussion of comments received on the five study areas reviewed at the December 13 meeting.
E. Discuss formation of new task forces.
F. Discussion by Mr. Milton F. Kent of sensitivity analysis in the study of uncertainties associated with load and capacity forecasting.
G. Other business.
H. Set date for next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2235 Filed 2-5-73;8:45 am]

[Docket No. RP73-80]

ARKANSAS LOUISIANA GAS CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 30, 1973.

Take notice that Arkansas Louisiana Gas Co. (Arkla) tendered for filing on

January 3, 1973, proposed changes in its rate schedule XFS–37 at original sheet Nos. 253, et al., of Arkla's FPC gas tariff original volume No. 3. The proposed rate changes would increase Arkla's revenues from jurisdictional sales by $83,494, based on estimated sales volumes for the 12-month period ending December 1, 1973. The proposed effective date for the changes is January 3, 1973, and Arkla requests that the 30-day notice period be waived.

The filing consists of a contract with Panhandle Eastern Pipe Line Co., providing that if the weighted average price Arkla pays to its producers for gas purchased during a particular month is higher than the price it would have paid that month at the per Mcf prices payable to its producers when the Panhandle contract was executed, then the price Panhandle shall pay shall be increased by a like amount. Arkla states that the purpose of the increase is to maintain the one-cent (1¢) per Mcf spread between the weighted average price Arkla pays for the gas in the field and the price for which it resells the gas to Panhandle.

The company states that four copies of this filing have been mailed to Panhandle Eastern Pipe Line Co.

Any person desiring to be heard or to protest said filing 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 12, 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.73–2221 Filed 2–5–73;8:45 am]

[Docket No. G–10354]

ATLANTIC RICHFIELD CO.

Notice of Extension of Time

JANUARY 29, 1973.

On January 22, 1973, Atlantic Richfield Co. filed a request for an extension of the procedural dates as established by the order issued January 12, 1973.

Upon consideration, notice is hereby given that the procedural dates as set forth in the order issued January 12, 1973, are modified as follows:

Direct case of Applicant, March 19, 1973.
Rebuttal testimony, April 2, 1973.
Hearing, April 10, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–2222 Filed 2–5–73;8:45 am]

[Project 2600]

BANGOR-HYDRO ELECTRIC CO.

Order Vacating Order Providing for Hearing and Setting Dates

JANUARY 30, 1973.

On June 29, 1972, we ordered a hearing to be held concerning the necessity of a second fishway at Stanford Project No. 2600 on the Penobscot River in the towns of Enfield and Howland, Penobscot County, Maine. We ordered a hearing on this matter in view of the conflicting positions of the Department of the Interior and the State of Maine Department of Inland Fisheries and Game and the Atlantic Sea-Run Salmon Commission. This order also provided for the filing of protests and petitions to intervene.

Under the provisions of the order the Department of the Interior, the Department of Inland Fisheries and Game, the Licensee and the Atlantic Sea-Run Salmon Commission were to file their respective testimony and exhibits by August 1, 1972. By letter of July 17, 1972, the Department of Inland Fisheries and Game reaffirmed its position against construction of a second fishway at this time and declined participation in the scheduled hearing. The Department of Inland Fisheries and Game, the Atlantic Sea-Run Salmon Commission, the Licensee and the Department of the Interior did not respond and did not file either testimony or exhibits by the due date specified in the order providing a hearing. No protests or petitions to intervene have been received.

On August 21, 1972, Commission Staff Counsel filed a motion to vacate the order of June 29, 1972, on the basis that since none of the parties had filed testimony and exhibits no useful purpose would be served by continuing the proceedings.

On September 7, 1972, the hearing scheduled to begin on September 11, 1972, was postponed until October 11, 1972, in order to give the Commission more time to consider Commission Staff Counsel's motion. The hearing scheduled in this matter was further postponed until February 12, 1973, by further notices of the Commission's Secretary.

By letter of December 13, 1972, the Department of the Interior proposed that the Commission vacate its order setting hearing of June 29, 1972. The Department stated that it lacked sufficient time to conduct necessary negotiations and field studies. While maintaining its previous position that the present fishway is inadequate and a second one is required, the Department of the Interior stated that the time for constructing a second fishway has not as of date been established. Since it could not add to the justification for a second fishway set out in its letter of November 29, 1971, the Department proposed the Commission vacate the order setting hearing with the understanding that the Department will initiate future action under Article 16 of the license when it determines at a later date that a second fishway is needed.

Accordingly, we are granting Commission Staff Counsel's motion and vacating our order of June 29, 1972. We also note in passing that responsibility for initiating action under Article 16 of the License is not limited to the Department of the Interior. This Commission upon its own motion or upon the recommendation of the fish and wildlife agency or agencies of any State in which the project or part thereof is located may initiate action under Article 16 of the license.

The Commission finds:

(1) The Department of Inland Fisheries and Game, the Licensee, the Atlantic Sea-Run Salmon Commission and the Department of the Interior did not file their respective written testimony by August 1, 1972, the date set out for such filing in the Commission's order of June 29, 1972.

(2) Commission Staff Counsel filed a motion to vacate the June 29, 1972, order on the basis that the aforementioned participants did not file their written testimony and exhibits as required by the June 29, 1972, order.

(3) The Department of the Interior by letter of December 13, 1972, requested this Commission to vacate our order of June 29, 1972, for the reasons set forth above.

(4) In view of the circumstances it is not necessary for the Commission's decisionmaking procedure to expend the time and money involved to formulate a formal hearing record.

(5) Commission Staff Counsel's motion should be granted and the order of June 29, 1972, providing for a hearing and setting dates should be vacated.

The Commission orders:

(A) Commission Staff Counsel's motion to vacate our June 29, 1972, order providing for a hearing and setting dates is hereby granted.

(B) Our order of June 29, 1972, providing for a hearing and setting dates is hereby vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–2223 Filed 2–5–73;8:45 am]

[Docket No. E–7813]

CENTRAL MAINE POWER CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 30, 1973.

Take notice that Central Maine Power Co. (Central Maine) on November 3, 1972, as supplemented on December 7, 1972, tendered for filing proposed changes in its FPC Electric Rate Schedule No. 20. The filing consists of a new service contract to be effective December 2, 1972, between Central Maine and

Squirrel Island Village Corp. (Squirrel Island) which replaces and supersedes Rate Schedule 20. Central Maine estimates revenues of approximately $6,600 for the 12 months ended November 30, 1973, from the sales to Squirrel Island.

Central Maine states that copies of this filing were served on Squirrel Island.

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 13, 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.73-2225 Filed 2-5-73;8:45 am]

[Project 553]

CITY OF SEATTLE

Order Modifying Order Providing for Hearing and Setting Dates

JANUARY 24, 1973.

On December 17, 1970, the city of Seattle, Wash. (Licensee), filed an application for further amendment to its license for Project No. 553, located on the Skagit River in Whatcom, Skagit, and Snohomish Counties, Wash. By our order of September 11, 1972, we provided for a hearing, and prescribed procedure for such hearing on the Licensee's application for amendment to its license.

On October 10, 1972, the Supreme Court denied this Commission's petition for a writ of certiorari to review the decision of the Court of Appeals for the Second Circuit in Greene County Planning Board v. FPC, 455 F. 2d 412 (1972), FPC v. Greene County Planning Board, S. Ct. No. 71-1597, ____ U.S. ____ (1972). Accordingly, we have applied the conclusions expressed by the Court of Appeals in that case in our revised Order No. 415-C (FPC Docket No. R-398) issued December 18, 1972.

The conclusions expressed by the Court of Appeals in Greene County concerned this Commission's procedures with respect to the implementation of the National Environmental Policy Act. In particular, the court held that an environmental statement must be prepared by our staff in advance of hearing, and that such statement must be "subject to the full scrutiny of the hearing process."

Our favorable action on the application which forms the basis for this proceeding would, in our view, clearly constitute a "major" Federal action "significantly affecting the quality of the human environment," as that phrase is used in section 102(2)(c) of the National Environmental Policy Act. Therefore, it now becomes necessary for the Commission staff to prepare an environmental impact statement prior to the hearing of the Licensee's application.

In addition, it will be necessary that: (1) Notice be given of the availability of the staff draft statement; (2) the draft statement be made available for comment to all parties, the Council on Environmental Quality, the general public and other appropriate governmental bodies; (3) as required, the draft statement be revised and finalized by staff after receipt of comments thereon; and (4) the final statement be offered in evidence at the hearing subject to cross-examination.

It is, therefore, necessary to modify our order of September 11, 1972, to provide for the procedures outlined above and to conform with our Order 415-C.

The Commission finds:

In order to assure that the parties to this proceeding have available to them all of the procedures and safeguards contained in the National Environmental Policy Act, as construed in Greene County Planning Board v. FPC, supra, and implemented by our Order 415-C, it is necessary to modify our order of September 11, 1972. The revised order will provide that the hearing in this proceeding shall not be held until the staff draft environmental impact statement has been prepared and finalized by the staff, following the receipt of comments on the staff's draft environmental impact statement, and until such statement, as so revised and finalized, has been made available to the parties for a period of time sufficient for their preparation of cross-examination. The environmental impact statement of the staff, as so revised and finalized, shall be introduced in evidence at the hearing, subject to cross-examination by the other participants.

The Commission orders:

(A) The Commission's order issued September 11, 1972, in this proceeding is modified by deleting ordering paragraphs (A), (B), and (C), in their entirety, by redesignating ordering paragraph (D) as ordering paragraph (N) and by adding the following ordering paragraphs (A) through (M) to read as follows:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, respecting the matters involved and issues presented in this proceeding. The time for the submission of direct testimony and exhibits by the participants and the time for convening hearing sessions in Washington, D.C., and such other places as may be necessary shall be determined by the Administrative Law Judge subject to paragraph (B) below.

(B) The following procedure is prescribed for this proceeding:

(1) The Applicant shall file with the Secretary of the Commission an original and 10 copies of all testimony, including qualifications of the witnesses, and exhibits to be presented in Applicant's direct case on January 29, 1973. Copies of such testimony and exhibits shall be served on all parties.

(2) On August 1, 1973, the Commission Staff shall file an original and 10 copies of the Commission Staff's draft environmental impact statement. Copies of this statement shall be served on all parties.

(3) At the same time that the Commission Staff's draft environmental impact statement is filed with the Secretary, public notice of the availability of the Commission Staff's statement shall also be given, and the draft statement shall be made available for comment to the parties to this proceeding, the Council on Environmental Quality, the general public and other appropriate Federal, State, and local agencies. All comments thereon shall be filed with the Secretary by September 17, 1973.

(4) On November 1, 1973, the Commission Staff and intervenors shall respectively file with the Secretary, an original and 10 copies of all direct testimony and exhibits, including qualification of witnesses with copies served on all parties.

(5) On November 1, 1973, the Commission Staff shall also file an original and 10 copies of the Commission's Staff's final environmental impact statement. Copies of the final environmental impact statement shall be served on all participants.

(6) In order that the parties may have a sufficient period of time in which to prepare cross-examination on the Staff's final environmental impact statement, the hearing in this proceeding shall commence on December 3, 1973, 30 days after the Commission Staff files its final environmental impact statement, with the Secretary.

(7) The final environmental impact statement shall be offered into evidence at the hearing, and cross-examination thereon shall be permitted.

(C) All motions to strike prepared testimony, including the final environmental impact statement and exhibits, and replies to such motions shall be filed with the Administrative Law Judge within periods of time to be set by the Administrative Law Judge.

(D) All of the testimony, except exhibits and the final environmental impact statement, shall be in question and answer form.

(E) No exhibits, except those of which official notice may properly be taken, shall contain narrative material other than brief explanatory notes.

(F) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit and the sequence in which it is to be marked for identification.

(G) The Administrative Law Judge will specify the order of cross-examination and time to be permitted for preparation of rebuttal evidence.

(H) Subsequent to the filing of the final environmental impact statement but prior to the evidentiary hearing, the Administrative Law Judge shall hold a public hearing session in the vicinity of the project for the purpose of receiving statements of position from interested members of the public. Public notice of the public hearing session shall be given in the vicinity of the project prior to such hearing session.

(I) If upon motion filed 20 days in advance of the due date for submission for prepared direct testimony and a showing of fact upon which the Administrative Law Judge finds it would be an economic hardship to prepare written testimony, the Administrative Law Judge may permit a party to present sworn direct oral testimony.

(J) If upon motion filed 20 days in advance of the opening date of the hearing and a showing that presentation of a witness in Washington, D.C., will constitute a hardship, the Administrative Law Judge may permit cross-examination of such witness during the hearing session in the vicinity of the project, as provided for in paragraph (H) of this order.

(K) If it becomes apparent that a saving of time or money may be achieved in clarifying relevant issues to be tried, the Administrative Law Judge shall hold a prehearing conference at which, among other matters, the admission into evidence of relevant but uncontroverted facts without the necessity of presenting a sponsoring witness therefor shall be considered.

(L) In order to provide for an expeditious hearing procedure, to avoid repetitious and cumulative cross-examination, and the necessity for recalling witnesses, all cross-examination on any particular area or subject matter receiving evidentiary treatment by the parties and treatment in the final environmental impact statement shall be conducted at one time. Witnesses deemed necessary to complete such cross-examination shall be subject to recall as needed

(M) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent they are modified or supplemented herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-2224 Filed 2-5-73;8:45 am]

[Docket No. E-7769]

DELMARVA POWER AND LIGHT CO.

Notice of Extension of Time and Postponement of Hearing

JANUARY 30, 1973.

On January 17, 1973, counsel for interveners, Dover, Del., et al., filed a motion to reject rate schedules tendered for filing or, in the alternative for immediate prehearing conference and modification of order establishing procedures. The motion also requests that the order be modified to the extent that it requires interveners to file evidence and testimony by or before January 30, 1973. Staff counsel filed an answer to the motion on January 29, 1973.

On January 23, 1973, staff counsel filed a motion for extension of service dates as established by the order issued September 29, 1972.

Upon consideration, notice is hereby given that the procedural dates established by order issued September 29, 1972, are modified as follows:

Staff service date	Mar. 30, 1973.
Interveners' service date	Apr. 6, 1973.
Prehearing conference	Apr. 10, 1973.
Delmarva rebuttal service date	Apr. 24, 1973.
Hearing date	May 15, 1973.

Further action on the motion filed January 17, 1973, by the interveners, will be by subsequent order.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-2226 Filed 2-5-73;8:45 am]

[Docket No. E-7994]

DUKE POWER CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 30, 1973.

Take notice that Duke Power Co. (Duke) on January 23, 1973, tendered for filing proposed changes in its FPC electric rate schedules for resale service to municipalities, public utility companies, and electric cooperatives. The proposed changes would increase revenues from jurisdictional sales and service by $8,549,534 based on a volume of sales for the 12-month period ending June 30, 1972. Duke alleges that the proposed increased rates are necessary for the company to earn a rate of return sufficient to attract necessary capital to provide reliable service to its customers. The proposed effective date of the rates contained in the filing is March 26, 1973. Duke states that copies of this filing have been served on all affected customers and interested State commissions.

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 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the 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.73-2227 Filed 2-5-73;8:45 am]

[Dockets Nos. RP72-150, RP72-155]

EL PASO NATURAL GAS CO.

Notice of Further Extension of Time and Postponement of Hearing

JANUARY 29, 1973.

On January 26, 1973, staff counsel filed a motion for extension of dates for the service of evidence and for the continuance of hearing as fixed by order issued July 31, 1972, and modified by notice issued December 1, 1972, in the above-designated matter (southern division system). The motion states that no party objects to the motion.

Upon consideration, notice is hereby given that the procedural dates fixed by order issued July 31, 1972, and amended by notice issued December 1, 1972, are further amended as follows:

Service of staff's evidence	Mar. 16, 1973
Intervener's evidence	Apr. 6, 1973
El Paso's rebuttal evidence	Apr. 20, 1973
Hearing and commencement of cross examination.	May 1, 1973

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-2228 Filed 2-5-73;8:45 am]

[Dockets Nos. RP71-137; RP72-151]

EL PASO NATURAL GAS CO.

Notice of Extension of Time

JANUARY 29, 1973.

On January 23, 1973, California-Pacific Utilities Co. et al.[1] filed a motion for change in dates for submission of evidence on rate design (conjunctive billing) issue and for the hearing in Docket No. RP72-151 as established by the order issued November 7, 1972, in Docket No. RP71-137.

The motion states that staff counsel and El Paso Natural Gas Co. are agreeable to the motion.

Upon consideration, notice is hereby given that the procedural dates as set by the order issued November 7, 1972, are modified as follows:

Direct evidence by El Paso and interveners.	Mar. 30, 1973
Staff evidence	Apr. 27, 1973
Rebuttal evidence, if any, by El Paso and interveners.	May 11, 1973
Hearing for cross examination.	May 22, 1973

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-2229 Filed 2-5-73;8:45 am]

[Project No. 2413]

GEORGIA POWER CO.

Notice of Filing Seeking Compliance With License Article

JANUARY 31, 1973.

The Georgia Power Co., licensee for the Wallace Dam project No. 2413 lo-

[1] Cascade Natural Gas Corp., Intermountain Gas Co., Northwest Natural Gas Co., Washington Natural Gas Co., and The Washington Water Power Co., all of which are distributor-company customers served by the northwest division of El Paso Natural Gas Co.

cated on the Oconee and Apalachee Rivers in the State of Georgia, filed with this Commission on October 10, 1972, a letter setting forth its proposal for compliance with Article 51 of the license for its Wallace Dam (Laurens Shoals) project No. 2413 requesting Commission approval of the proposed action stated therein. (Correspondence to: Mr. I. S. Mitchell III, vice president and secretary, Georgia Power Co., Post Office Box 4545, Atlanta, GA 30302.) Article 51 states:

Article 51. The licensee shall make available to the National Park Service $2,500 to fund the necessary archeological and historical survey to determine the extent of salvage which will be required. The licensee shall report to the Commission what archeological and (historical) salvage is considered by the National Park Service to be necessary as the result of its survey, and the licensee shall make available such reasonable funds as the Commission, after notice and opportunity for hearing, may approve or direct for the conduct of salvage.

In order to comply with Article 51 of the license, the Licensee proposes to:

(a) Allocate up to $30,000 for archeological and historical salvage operations in the area to be inundated by the Wallace Reservoir. This amount is in addition to the $2,500 provided to the National Park Service for survey work required under Article 51;

(b) Make available the necessary funds needed to relocate and restore the historical Park Mill House, and to install historical exhibits at the proposed overlook and interest center described in Licensee's Exhibit R; and

(c) Coordinate all future archeological and historical work at the project with the Georgia Historical Commission.

Any person desiring to be heard or to file a protest with reference to said application should on or before March 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2230 Filed 2-5-73;8:45 am]

[Docket No. E-7952]

INTERSTATE POWER CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 31, 1973.

Take notice that Interstate Power Co. (Interstate) on January 3, 1973, tendered for filing a proposed new electric service agreement between Interstate and the Village of Truman, Minn. which supersedes and cancels the previous electric service agreement, dated January 12, 1970, which had been designated Interstate Power Co. Rate Schedule FPC No. 97. Interstate requests waiver of the notice requirements pursuant to section 35.11 of the Commission's regulations under the Federal Power Act to permit an effective date of January 15, 1973.

Any person desiring to be heard or to protest said filing 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 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2231 Filed 2-5-73;8:45 am]

[Docket No. E-7980]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 30, 1973.

Take notice that Northwestern Public Service Co. (Northwestern) on January 15, 1973, tendered for filing proposed changes in its FPC Electric Rate Schedule No. 12, Supplements 1 through 5. The filing consists of Supplement No. 6 dated June 25, 1969 (replacement and maintenance service), Supplement No. 7 dated June 26, 1969 (temporary transformer addition at Yankton substation), Supplement No. 8 dated March 5, 1970 (115 kv. interconnection at Yankton), and supplement No. 9 dated November 9, 1971 (short-term firm power service; seasonal firm peaking power service), to the contract for electric service between the U.S. Department of the Interior, Bureau of Reclamation, and Northwestern, dated October 23, 1956.

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 21, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2232 Filed 2-5-73;8:45 am]

[Project 108]

NORTHERN STATES POWER CO.

Order Further Modifying Hearing Order and Setting Dates

JANUARY 30, 1973.

On June 28, 1972, we issued an order which provided for a hearing, prescribed procedure and ruled on motions in this proceeding on the application by Northern States Power Co. for a new license for Project No. 108. By our order issued September 8, 1972, we modified in certain respects our order of June 28, 1972.

On October 10, 1972, the Supreme Court denied this Commission's petition for a writ of certiorari to review the decision of the court of appeals for the second circuit in Greene County Planning Board v. FPC, 455 F. 2d 412 (1972), FPC v. Greene County Planning Board, S. Ct. No. 71-1597, ____ U.S. ____ (1972). Accordingly, we have applied the conclusions expressed by the court of appeals in that case in our revised Order No. 415-C (F.P.C. Docket No. R-398) issued December 18, 1972.

The conclusions expressed by the court of appeals in Greene County concerned this Commission's procedures with respect to the implementation of the National Environmental Policy Act. In particular, the court held that an environmental statement must be prepared by our staff in advance of hearing, and that such statement must be "subject to the full scrutiny of the hearing process".

Our favorable action on the application which forms the basis for this proceeding would, in our view, clearly constitute a "major" Federal action "significantly affecting the quality of the human environment", as that phrase is used in section 102(2)(c) of the National Environmental Policy Act. Therefore, it now becomes necessary for the Commission Staff to prepare an environmental impact statement prior to the hearing on the Licensee's application.

In addition, it will be necessary that: (1) Notice be given of the availability of the Staff draft statement; (2) the draft statement be made available for comment to all parties, the Council on Environmental Quality, the general public and other appropriate governmental bodies; (3) as required, the draft statement be revised and finalized by Staff after receipt of comments thereon; and (4) the final statement be offered in evidence at the hearing subject to cross-examination.

It is, therefore, necessary to modify our orders of June 28, and September 8, 1972, to provide for the procedures outlined above and to conform with our Order 415-C.

The Commission finds:

(1) In order to assure that the parties to this proceeding have available to them

all of the procedures and safeguards contained in the National Environmental Policy Act, as construed in Greene County Planning Board v. FPC, supra, and implemented by our Order 415–C, it is necessary to modify our orders of June 28 and September 8, 1972. The revised order will provide that the hearing in this proceeding shall not be held until the Staff draft environmental impact statement has been prepared and finalized by the Staff, following the receipt of comments on the Staff's draft environmental impact statement, and until such statement, as so revised and finalized, has been made available to the parties for a period of time sufficient for their preparation of cross-examination. The environmental impact statement of the Staff, as so revised and finalized, shall be introduced in evidence at the hearing, subject to cross-examination by the other participants.

The Commission orders:

(A) The Commission's orders issued June 28 and September 8, 1972, in this proceeding are modified by deleting ordering paragraphs (A), (B), and (C) in their entirety, by redesignating ordering paragraph (D) as (N), and by adding the following ordering paragraphs (A) through (M) to read as follows:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 7(c), 10(a), 14, 15, and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, respecting the matters involved and issues presented in this proceeding. The time for the submission of direct testimony and exhibits by the participants and the time for convening hearing sessions in Washington, D.C., and such other places as may be necessary shall be determined by the Administrative Law Judge subject to paragraph (B) below.

(B) The following procedure is prescribed for this proceeding:

(1) Should the Applicant wish to do so, the Applicant shall file with the Secretary of the Commission an original and 10 copies of any additional testimony, including qualifications of the witnesses, and exhibits to be presented in Applicant's direct case by March 5, 1973. Copies of such additional testimony and exhibits shall be served on all parties.

(2) On April 16, 1973, the Commission Staff shall file an original and 10 copies of the Commission Staff's draft environmental impact statement. Copies of this statement shall be served on all parties.

(3) At the same time that the Commission Staff's draft environmental impact statement is filed with the Secretary, public notice of the availability of the Commission Staff's statement shall also be given, and the draft statement shall be made available for comment to the parties to this proceeding, the Council on Environmental Quality, the general public and other appropriate Federal, State, and local agencies. All comments thereon shall be filed with the Secretary by June 4, 1973.

(4) On July 23, 1973, the Commission Staff and intervenors shall respectively file with the Secretary, an original and 10 copies of all direct testimony and exhibits, including qualification of witnesses with copies served on all parties.

(5) On July 23, 1973, the Commission Staff shall also file an original and 10 copies of the Commission Staff's final environmental impact statement. Copies of the final environmental impact statement shall be served on all participants.

(6) In order that the parties may have a sufficient period of time in which to prepare cross-examination on the Staff's final environmental impact statement, the hearing in this proceeding shall commence on August 21, 1973, about 30 days after the Commission Staff files its final environmental impact statement, with the Secretary.

(7) The final environmental impact statement shall be offered into evidence at the hearing, and cross-examination thereon shall be permitted.

(C) All motions to strike prepared testimony, including the final environmental impact statement and exhibits, and replies to such motions shall be filed with the Administrative Law Judge within periods of time to be set by the Administrative Law Judge.

(D) All of the testimony, except exhibits and the final environmental impact statement, shall be in question and answer form.

(E) No exhibits, except those of which official notice may properly be taken, shall contain narrative material other than brief explanatory notes.

(F) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit and the sequence in which it is to be marked for identification.

(G) The Administrative Law Judge will specify the order of cross-examination and time to be permitted for preparation of rebuttal evidence.

(H) Subsequent to the filing of the final environmental impact statement but prior to the evidentiary hearing, the Administrative Law Judge shall hold a public hearing session in the vicinity of the project for the purpose of receiving statements of position from interested members of the public. Public notice of the public hearing session shall be given in the vicinity of the project prior to such hearing session.

(I) If upon motion filed 20 days in advance of the due date for submission for prepared direct testimony and a showing of fact upon which the Administrative Law Judge finds it would be an economic hardship to prepare written testimony, the Administrative Law Judge may permit a party to present sworn direct oral testimony.

(J) If upon motion filed 20 days in advance of the opening date of the hearing and a showing that presentation of a witness in Washington, D.C. will constitute a hardship, the Administrative Law Judge may permit cross-examination of such witness during the hearing session in the vicinity of the project, as provided for in paragraph (H) of this order.

(K) If it becomes apparent that a saving of time or money may be achieved in clarifying relevant issues to be tried, the Administrative Law Judge shall hold a pre-hearing conference at which, among other matters, the admission into evidence of relevant but uncontroverted facts without the necessity of presenting a sponsoring witness therefor shall be considered.

(L) In order to provide for an expeditious hearing procedure, to avoid repetitious and cumulative cross-examination, and the necessity for recalling witnesses, all cross-examination on any particular area or subject matter receiving evidentiary treatment by the parties and treatment in the final environmental impact statement shall be conducted at one time. Witnesses deemed necessary to complete such cross-examination shall be subject to recall as needed.

(M) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent they are modified or supplemented herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-2233 Filed 2-5-73;8:45 am]

[Docket No. CI73-508]

ONG EXPLORATION, INC.

Notice of Application

JANUARY 31, 1973.

Take notice that on January 19, 1973, ONG Exploration, Inc. (Applicant), 624 South Boston Avenue, Tulsa, OK 74119, filed in Docket No. CI73-508 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 Northern Natural Gas Co. (Northern) from Lipscomb County, Tex., and Beaver County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 5,000 Mcf of gas per day at 35 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, for 1 year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Initial upward B.t.u. adjustment is estimated at 5 cents per Mcf. Northern may take in excess of 5,000 Mcf of gas per day if made available by Applicant.

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 siad application should on or before February 12, 1973, file with the Federal Power Commission, Wash-

ington, 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.73-2173 Filed 2-5-73;8:45 am]

[Docket No. RP72-115]

OKLAHOMA NATURAL GAS GATHERING CORP.

Notice of Proposed Changes in Rates and Charges

JANUARY 29, 1973.

Take notice that Oklahoma Natural Gas Gathering Corp. (Okla-Nat) on January 10, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. Okla-Nat states that the change is being made to assure that its existing PGA is consistent with Orders Nos. 452 and 452-A. The proposed change would add an unrecovered purchased gas account to Okla-Nat's PGA and provide for periodic clearing of such account. Finally, Okla-Nat requests waiver of the Commission's prior notice requirements to permit the change to be effective as of January 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 6, 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.73-2219 Filed 2-5-73;8:45 am]

[Docket No. CI73-507]

TEXACO, INC.

Notice of Application

JANUARY 31, 1973.

Take notice that on January 24, 1973, Texaco, Inc. (Applicant), Post Office Box 52332, Houston, Tex. 77052, filed in Docket No. CI73-507 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 Florida Gas Transmission Co. from the Lake Fausse Point Field, Iberia and Saint Martin Parishes, 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 up to 5,000 Mcf of gas per day at 35 cents per Mcf at 15.025 psia, subject to upward and downward B.t.u. adjustment, plus 1 cent per Mcf tax reimbursement, 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 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 intervent 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.73-2174 Filed 2-5-73;8:45 am]

FEDERAL RESERVE SYSTEM

FARMERS & MERCHANTS INSURANCE AGENCY, INC.

Formation of Bank Holding Company and Continuation of Insurance Agency Activities

The Farmers & Merchants Insurance Agency, Inc., Colby, Kans., 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 80 percent or more of the voting shares of the Farmers & Merchants State Bank, Colby, Kans. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The Farmers & Merchants Insurance Agency, Inc., has also 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 continue to engage in insurance agency activities. Notice of the application was published on December 20, 1972, in The Prairie Drummer, a newspaper circulated in Thomas County, Kans.

Applicant states it engages in the activities of a general insurance agency in a community of less than 5,000 persons. 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 Kansas City.

Any views on these applications 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 26, 1973.

Board of Governors of the Federal Reserve System, January 29, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-2182 Filed 2-5-73;8:45 am]

FIRST BANCORP, INC.

Acquisition of Bank

First Bancorp, Inc., Corsicana, Tex., 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 76 percent of the voting shares of Citizens State Bank, Malakoff, Tex. 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 Dallas. Any person wishing to comment on the application 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 26, 1973.

Board of Governors of the Federal Reserve System, January 29, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-2183 Filed 2-5-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

REVIEW OF ANNUAL REPORTS

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order 11671, that the next full meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on February 15, 1973, at 1 p.m.–9 p.m., and February 16, 1973 at 9 a.m.–4:30 p.m., local time in Room 261, 1717 H Street NW., Washington, DC 20006. (Subcommittees will meet informally Thursday morning.)

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411). The Council is established to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children. The meeting is called for February 15 and 16 to review preliminary drafts for the annual report to the President and the Congress for March 31, 1973, and also to meet people from Capitol Hill, the White House Staff, and USOE regarding the hearings being held on the extension of ESEA to 1978, H.R. 69 and the school finance measure, H.R. 16.

Because of limited space for the public meeting of February 15 and 16 all persons wishing to attend should call for reservations at Area Code 202/632-5221 by February 9.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located in Room 202, 1717 H Street NW., Washington, DC 20006.

Signed at Washington, D.C. on February 1, 1973.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.73-2389 Filed 2-5-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANELS FOR NEUROBIOLOGY AND METABOLIC BIOLOGY

Notice of Closed Meetings

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given of meetings of the following committees including the individuals to contact for further information respecting each committee. The purpose of each of these advisory bodies is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

ADVISORY PANEL FOR NEUROBIOLOGY

Date and time of meeting: 9 a.m., on February 12 and 13, 1973.
Location of meeting: Room 338; 1800 G Street NW., Washington, DC 20550.
Agenda: The agenda will be devoted to the review and evaluation of research proposals.
For further information, contact: Dr. James H. Brown, Program Director, Neurobiology Program; Division of Biological and Medical Sciences; Room 333; 1800 G Street NW.; Washington, DC 20550.

ADVISORY PANEL FOR METABOLIC BIOLOGY

Date and time of meeting: 9 a.m., on February 15 and 16, 1973.
Location of meeting: Department of Biochemistry; Room 808-D; Baylor College of Medicine; Houston, Tex. 77025.
Agenda: The agenda will be devoted to the review and evaluation of research proposals.
For further information, contact: Dr. Elijah B. Romanoff, Program Director, Metabolic Biology Program; Division of Biological and Medical Sciences; Room 323, 1800 G Street NW., Washington, DC 20550.

These meetings will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of section 10 (d) of the Federal Advisory Committee Act.

T. E. JENKINS,
Assistant Director for Administration.

JANUARY 30, 1973.

[FR Doc.73-2396 Filed 2-5-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License Application No. 01/01-5269]

COMINVEST OF HARTFORD, INC.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Cominvest of Hartford, Inc. (applicant), with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)).

The officers and directors of the applicant are as follows:

Robert W. Beggs, Jr., 221 Girard Avenue, Hartford, CT 06105. President-Director.
Roger W. Broberg, 46 Lynwood Road, Storrs, CT 06268. Secretary-Director.
Vernal R. Mendez, 68 Shipman Drive, Glastonbury, CT 06033. Vice President-General Manager-Director.
William G. Krumm, Treasurer-Director, 6 Sawmill Road, Granby, CT 06035.
Antonio J. Soto, Director, 10 Beatrice Avenue, Bloomfield, CT 06002.
Glenda L. Copes, Director, 57 Sharon Street, Hartford, CT 06112.
Milton L. Howard, Director, 21 Banbury Lane, Bloomfield, CT 06002.
Robert E. Stevens, Director, Keighley Pond Road, Cobalt, CT 06414.

The applicant, a Connecticut corporation, with its principal place of business located at 18 Asylum Street, Hartford, CT 06103, will begin operations with $300,119 of paid-in capital, consisting of 119 shares of common stock (issued at $1 a share and having all voting rights) and 600 shares of nonvoting common stock issued at $500 a share. Four directors will own 60 shares of common voting shares and the remaining 59 common voting shares as well as the 600 nonvoting shares will be owned by the Society for Savings (the Bank), a mutual savings bank owned by its depositors. Three of the aforementioned directors are also officers of the Bank. No person or corporation owns 10 percent or more of any interest in the Bank.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance

with the Small Business Investment Act and the SBA Rules and Regulations.

Any person may, not later than February 21, 1973, submit to SBA written comments on the proposed licensee. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Hartford, Conn.

Dated: January 29, 1973.

DAVID A. WOLLARD,
Associate Administrator for Operations and Investment.

[FR Doc.73-2210 Filed 2-5-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 22, 1973.

The proceedings designated below are assigned for hearing at 9:30 a.m., U.S. Standard Time, at the Office of the Interstate Commerce Commission, Washington, D.C., on the dates specified.

ROBERT L. OSWALD,
Secretary.

Hearing: February 27, 1973—No. MC 128762 (Sub-No. 2). P. L. Lawton, Inc., extension—foodstuffs.

Hearing: February 28, 1973—No. MC 123048 (Sub-No. 226). Diamond Transportation System Inc., Racine, Wis., F. R. Publication: August 31, 1972, and amended by letter dated December 22, 1972.

Hearing: March 5, 1973—No. MC-F-11671. Refiners Transport & Terminal Corp.—Purchase—Kendrick Cartage Co., F. R. Publication: October 4, 1972.

No. MC-F-11697. Gerson Transportation—Purchase (Portion)—Watkins Motor Lines, Inc., F. R. Publication: November 1, 1972.

No. MC-C-7950. Thomas R. Rocap, Charles A. Biddinger, Jr., Motor Cargo Transport Corp., Gerson Transportation, a corporation, and Watkins Motor Lines, Inc.—Investigation of operations and revocation of certificates.

[FR Doc.73-2250 Filed 2-5-73;8:45 am]

[Notice 172]

ASSIGNMENT OF HEARINGS

FEBRUARY 1, 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

FD-27218, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, discontinuance trains Nos. 441, 442, 449, and 490 between Boston and Framingham, Mass., FD-27222, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, discontinuance trains Nos. 431 and 432 between Boston and Worcester, Mass., now being assigned hearing March 26, 1973 (2 days and 1 night), at Boston, Mass., March 28, 1973 (1 night) at Framingham, Mass., and March 29, 1973 (1 night), at Worcester, Mass., in a hearing room to be later designated, instead of March 26, 1973 (2 days) at Boston, Mass.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2254 Filed 2-5-73;8:45 am]

[Notice 173]

ASSIGNMENT OF HEARINGS

FEBRUARY 1, 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 138143, Specialized Cartage, Inc., now being assigned hearing March 8, 1973 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 71459 Sub 29, O.N.C. Freight Systems, now being assigned hearing March 12, 1973 (1 week), at Los Angeles, Calif., in a hearing room to be later designated.

MC 124796 Sub 97, Continental Contract Carrier Corp., now being assigned hearing March 8, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 29886 Sub 285, Dallas & Mavis Forwarding Co., Inc., now being assigned hearing March 12, 1973 (1 week) at Chicago, Ill., in a hearing room to be later designated.

MC-FC-73782, Beal's Express, Inc., Thurmont, Md., transferee, and Western Express, Inc., Baltimore, Md., transferor, now assigned February 13, 1973, at Washington, D.C., is postponed to February 28, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 120646 Sub 9, Bradley Freight Lines, Inc., continued to March 13, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 120616 Sub 2, A. V. Dedmon Trucking, Inc., now being assigned hearing March 13, 1973 (1 day), at Raleigh, N.C., in a hearing room to be later designated.

MC 128273 Sub 130, Midwestern Express, Inc., now assigned February 7, 1973, at Washington, D.C., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2251 Filed 2-5-73;8:45 am]

[Notice 205]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 26, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74090. By order of January 11, 1973, the Motor Carrier Board approved the transfer to Rawson Creamer, doing business as A-1 Moving and Storage Co., Jacksonville, Fla., of certificate No. MC-129473 (Sub-No. 1), issued January 28, 1970, to R. D. Allison, doing business as Allison Transfer Co., Jacksonville, Fla., authorizing the transportation of used household goods between points in Hamilton, Columbia, Baker, Nassau, Duval, Suwannee, Union, Bradford, Clay, St. Johns, Alachula, Putnam, Flagler, Volusia, Orange, Seminole, and Brevard Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207, applicants' attorney.

No. MC-FC-74114. By order entered January 10, 1973, the Motor Carrier Board approved the transfer to Roger Kumpf, doing business as Feed Transport, Omaha, Nebr., of that portion of the operating rights set forth in permit No. MC-133737 (Sub-No. 1), issued by the Commission August 29, 1972, to Crawford Trucking Co., Inc., Omaha, Nebr., authorizing the transportation of feed and feed ingredients, from Omaha, Nebr., to Harlan, Denison, and Atlantic,

Iowa, under a continuing contract, or contracts with Nixon & Co., of Omaha, Nebr. Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501, attorney for applicants.

No. MC-FC-74117. By order of January 11, 1973, the Motor Carrier Board approved the transfer to the Reliable Warehouse Co., Beacon Falls, Conn., of certificate of registration No. MC-99328 (Sub-No. 1) issued May 11, 1965, to Albert Chesnutis, doing business as Aetna Express, Beacon Falls, Conn., evidencing a right to engage in transportation in interstate commerce corresponding in scope to motor common carrier certificate No. C-680, dated November 24, 1953, issued by the Public Utilities Commission of the State of Connecticut. William J. Meuser, 81 Broad Street, Milford, CT. 06460, applicants' attorney.

No. MC-FC-74143. By order of January 11, 1973, the Motor Carrier Board approved the transfer to Suf-City Trucking, Inc., Huntington Station, N.Y., of certificate of registration No. MC-125893 (Sub-No. 2) issued November 10, 1971 to Direct Airport Service, Inc., Huntington Station, N.Y., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 8890 dated December 29, 1970, issued by the Public Service Commission of New York. William J. Augello, Jr., 103 Fort Salonga Road, Northport, NY 11768, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2256 Filed 2-5-73;8:45 am]

[Notice 11]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 26, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR, Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before February 21, 1973. 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 109689 (Sub-No. 243 TA), filed January 12, 1973. Applicant: W. S. HATCH CO., Office: 643 South 800 West; Mail: Post Office Box 1825, Woods Cross, Utah 84087, Salt Lake City, Utah 84110. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzol chlorinated residual*, in bulk, in tank vehicles, from Henderson, Nev., to Irwindale, Calif., for 180 days. Supporting shipper: Specialty Organics, Inc., 5263 North Fourth Street, Irwindale, CA 91706 (Joseph Seruto, president). Send protests to: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 113908 (Sub-No. 251 TA), filed January 8, 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* (except brandy and wine), in bulk, in tank vehicles, from Lake Alfred, Fla., to Linden, N.J., *refused and rejected shipments on return*, for 180 days. Supporting shipper: Florida Distillers Co., Lake Alfred, Fla. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 113908 (Sub-No. 253 TA), filed January 11, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3108, Glenstone Station, 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: *Liquid animal feed additive*, in bulk, in tank vehicles, from Louisville, Ky., to Frankfort, Seaford, Milford, and Delmar, Del., Berlin, Kings Creek, Princess Anne, and Snow Hill, Md., for 180 days. Supporting shipper: Diamond Shamrock Chemical Co., Nopco Chemical Division, Louisville, Ky. 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 117322 (Sub-No. 8 TA), filed January 15, 1973. Applicant: LESTER NOVOTNY, doing business as CHATFIELD TRUCKING, RFD No. 2, Chatfield, Minn. 55923. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Albert Lea, Minn., to Chicago, Ill., for 180 days. Supporting shipper: On-Cor Frozen Foods, Inc., 1227 West Fulton Street, Chicago, IL 60607. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 126736 (Sub-No. 63 TA), filed January 16, 1973. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, Post Office Box 5809, 32207, 6000 Powers Avenue, 32217, Jacksonville, FL. Applicant's representative: Martin Sack, Jr., Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphate of alumina*, from Jacksonville, Fla., to Clyattville and Brunswick, Ga., for 180 days. Supporting shipper: Cities Service Co., Cities Service Building, 3445 Peachtree Road NE., Atlanta, GA. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2252 Filed 2-5-73;8:45 am]

[Notice 12]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 31, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before February 21, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

[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. 432 TA), filed January 19, 1973. Applicant: ROADWAY EXPRESS, INC., Post Office Box 471, 1077 George Boulevard, Akron, OH 44309. Applicant's representative: James W. Connor (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, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Akron and Lititz, Pa., and Newark, Del., as off-route points, for 180 days. NOTE: Applicant states it will tack with lead certificate MC-2202 and all subs thereto, and will affect interchange at all points served. Supporting shippers: D. H. Ford Leather Co., Inc., Akron, Pa. 17501; Woodstream Corp., Lititz, Pa. 17543; Curtis Paper Co., Newark, Del. 19711. Send protests to: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 14702 (Sub-No. 47 TA), filed January 17, 1973. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, 300 Liberty Road, Warren, OH 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical wiring harnesses, and equipment, materials, and supplies* used in the manufacture of electrical wiring harnesses, except commodities in bulk, between the plantsites of General Motors Corp., Packard Electric Division, at Warren, Ohio, on the one hand, and, on the other, the plantsite of General Motors Corp., Packard Electric Division, at the new Clinton Industrial Park near Clinton, Miss., for 180 days. Supporting shipper: Packard Electric, Post Office Box 431, Warren, OH 44482. Send protests to: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 41951 (Sub-No. 16 TA), filed January 22, 1973. Applicant: WHEATLEY TRUCKING, INC., Post Office Box 458, 125 Brohawn Avenue, Cambridge, MD 21613. Applicant's representative: Marion L. Wheatley, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except frozen and cold pack, from Cambridge, Md., to Plymouth, Ind., for 180 days. Supporting shipper: RJR Foods, Inc., Cambridge, Md. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 110563 (Sub-No. 100 TA), filed January 19, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., 113 North Ohio Avenue, Post Office Box 747, Ohio Building, Sidney, OH 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from Hastings, Nebr., to points in New York, Connecticut, Delaware, New Jersey, Ohio, Pennsylvania, District of Columbia, Maryland, Massachusetts, Rhode Island, Virginia, Michigan, and Illinois, for 180 days. Supporting shipper: French Brand Distributors, Inc., 219 West Second Street, Hastings, NE 68901. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 235 Summit Street, Toledo, OH 43604.

No. MC 110659 (Sub-No. 17 TA), filed January 18, 1973. Applicant: COMMERCIAL CARRIERS, INC., 975 Virginia Street West, Box 6743, Charleston, WV 25302. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Common window glass*, in boxes or crates, from Charleston, W. Va., to points in the Lower Peninsula of Michigan, except Detroit and points in the Detroit, Mich., commercial zone, for 180 days. Supporting shipper: Libbey-Owens-Ford Co., 811 Madison Avenue, Toledo, Ohio, Attention: Paul L. Wendt, Assistant Director of Traffic. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 114004 (Sub-No. 123 TA) (Correction), filed January 4, 1973, published in the FEDERAL REGISTER January 26, 1973, corrected and republished in part as corrected this issue. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Post Office Box 1715, 72203, Little Rock, AR 77209. NOTE: The purpose of this partial republication is to show the correct authority sought as *common carrier*, in lieu of contract carrier. The rest of the application remains the same.

No. MC 114552 (Sub-No. 73 TA), filed January 22, 1973. Applicant: SENN TRUCKING COMPANY, Post Office Box 333, Newberry, SC 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the plant and warehouse sites, International Paper Co. in Greenwood County, S.C., to points on and west of U.S. Highway No. 21 in North Carolina and, on and west of U.S. Highway No. 220 in Virginia, for 180 days. Supporting shipper: International Paper Co., Post Office Box 3238, Mobile, AL. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 114897 (Sub-No. 104 TA), filed January 22, 1973. Applicant: WHITFIELD TANK LINES, INC., 300-316 North Clark Road (Post Office Drawer 9897), El Paso, TX 79989. Applicant's representative: J. E. Gallegos, 215 Lincoln Avenue, Santa Fe, NM 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, in bulk, in tank vehicles, from Monument, N. Mex., to Reese Air Force Base near Lubbock, Tex., for 150 days. Supporting shipper: Vearle A. Allen, Manager, Transportation Department, Famariss Oil and Refining Co., Monument, N. Mex. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 121434 (Sub-No. 2 TA), filed January 10, 1973. Applicant: TURCO'S REFRIGERATED DELIVERY SERVICE, INC., Post Office Box 67, Mahopac Avenue, Amawalk, NY 10501. Applicant's representative: Morris Honig, 150 Broadway, New York NY 10038 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats and meat products, cured cooked, and smoked meat products*, from Tilly Foster, N.Y., to points in Nassau, Suffolk, Westchester, Dutchess, Columbia, Putnam, Rockland, Orange, Sullivan, Ulster, and Greene Counties, N.Y., and New York, N.Y., for 180 days. Supporting shipper: California Meat Co., Inc., 3055 East 44th Street, Los Angeles, CA 90058, Attention: Stuart F. Jaguay. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 123885 (Sub-No. 11 TA), filed January 18, 1973. Applicant: C AND R TRANSFER CO., 1315 West Blackhawk, Sioux Falls, SD 57104. Applicant's representative: James W. Olson, 506 West Boulevard, Rapid City, SD 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated posts, poles, pilings and lumber*, from Whitewood, S. Dak., to points in Wisconsin, Illinois, and Detroit, Mich., for 180 days. Supporting shipper: Whitewood Post & Pole, Whitewood, S. Dak. 57793, Glen Westberg, President. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 125997 (Sub-No. 4 TA), filed January 19, 1973. Applicant: L. C.

FOESCH, doing business as FOESCH TRANSFER LINE, Post Office Box 434, Shawano, WI 54166. Applicant's representative: John D. Varda, 121 South Pinskney Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, crates and box shook*, from Shawano, Wis., to Crystal Falls and East Jordan, Mich., for 180 days. Supporting shipper: Hotz Mfg. Co., Post Office Box 110, Shawano, WI 54166 (A. J. Osborn, General Manager). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 126111 (Sub-No. 4 TA), filed January 19, 1973. Applicant: LYLE W. SCHAETZEL, doing business as SCHAETZEL TRUCKING COMPANY, 2436 Algoma Boulevard, Oshkosh, WI 54901. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sweetened condensed milk*, in bulk in tank vehicles, from Fond du Lac, Wis., to Atlanta, Ga., for the account of Galloway-West Co., a division of the Borden Co., Inc., for 180 days. Supporting shipper: Galloway-West Co., Post Office Box 987, Fond du Lac, Wis. 54935 (A. J. Wirkus, Traffic Manager). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 126276 (Sub-No. 74 TA), filed January 22, 1973. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiber drums, cores, tubes, and parts thereof*, from Van Wert, Ohio, to points in Illinois, Indiana, Michigan, Kentucky, Missouri, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Supporting shipper: David Kelly, Region Traffic Manager, Continental Can Co., 150 South Wacker Drive, Chicago, IL 60056. 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 126276 (Sub-No. 75 TA), filed January 15, 1973. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: James C. Hardman, 127 West Dearborn Street, Suite 1133, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal container and metal container ends*, from Shoreham, Mich., to Erie and North East, Pa., for 180 days. Supporting shipper: Attention: David G. Kelley, Regional Traffic Manager, Continental Can Co., 150 South Wacker Drive, Chicago, IL 60606. 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 126514 (Sub-No. 40 TA), filed January 18, 1973. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toilet preparations, perfume and soap* (except in bulk) and *materials and supplies* used in the distribution and sale thereof, from Mountaintop, Pa., to Denver, Colo., for 180 days. Supporting shipper: Dana Perfumes Corp., Crestwood Park, Mountaintop, Pa. 18707. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 128543 (Sub-No. 8 TA), filed January 19, 1973. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and pipe fittings, shapes, forms and strips*, from the plantsite and warehouse facilities of Allied Tube & Conduit Corp., at Baltimore, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, and the District of Columbia; and (2) *pipe and pipe fittings, and steel*, from points in Maryland, Ohio, Pennsylvania, and West Virginia to the plantsite and warehouse facilities of Allied Tube & Conduit Corp. at Baltimore, Md., for 180 days. Supporting shipper: Anthony M. Santone, Director of Traffic, Allied Tube & Conduit Corp., Harvey, Ill. 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 128862 (Sub-No. 14 TA), filed January 18, 1973. Applicant: B. J. CECIL TRUCKING, INC., Post Office Box C, Claypool, AZ 85532. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Fabens, El Paso, and Canutillo, Tex., to Maricopa, Ariz., and Blythe, Calif., for 180 days. Supporting shipper: Chemical Producers Corp., 6854 Market, El Paso, TX 79915. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 129615 (Sub-No. 13 TA) (Correction), filed December 5, 1972, published in the FEDERAL REGISTER January 16, 1973, corrected and republished in part as corrected this issue. Applicant: AMERICAN INTERNATIONAL DRIVE-AWAY, INC., 2000 West 16th Street, Long Beach, CA 90813. Applicant's representative: E. D. Helmer (same address as above). NOTE: The purpose of this partial republication is to show the correct MC No. 129615, in lieu of MC 120615. The rest of the application remains the same.

No. MC 135875 (Sub-No. 2 TA), filed January 19, 1973. Applicant: CLARENCE R. BERGER, 651 80th Avenue NE., Minneapolis, MN 55432. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, MN 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from (1) Milwaukee, Wis., to Minneapolis, Minn.; and (2) from Milwaukee, Wis., to Stillwater, Minn., for 180 days. Supporting shippers: Rex Distributing, Inc., Minneapolis, Minn.; Stillwater Distributing, Inc., Stillwater, Minn. Send protests to: District Supervisor, Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 138190 (Sub-No. 1 TA), filed January 18, 1973. Applicant: DARCI TRUCKING, INC., 3137 East North Avenue, Fresno, CA 93725. Applicant's representative: Donald Murchison, Suite 400 Glendale Federal Building, 9454 Wilshire Boulevard, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums, accessories and supplies*, from points in Los Angeles and Santa Clara Counties, Calif., to points in Arizona, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Metaframe Pacific Corp., a Mattel Co., 355 West Carob Street, Compton, CA 90220. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 138230 (Sub-No. 1 TA) Correction), filed December 5, 1972, published in the FEDERAL REGISTER January 17, 1973, corrected and republished in part as corrected this issue. Applicant: CYNTHIA S. TRAYNER, doing business as DICK TRAYNER AND SONS TRUCKING, Wauregan Road, Canterbury, Conn. 06331. Applicant's representative: John E. Fay, 342 North Main Street, West Hartford, CT 06117. NOTE: The purpose of this partial republication is to add the Sub-No. MC 138230 (Sub-No. 1 TA). The rest of the notice remains the same.

No. MC 138258 TA, filed December 15, 1972. Applicant: JAMES D. WILCOX, 201 Depot Street, Boone, NC 28607. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Electrical parts and components* having a prior or subsequent movement by air, between Lansing and/or Boone, N.C., and the Tri-City Airport at or near Blountville, Tenn., for 180 days. Supporting shippers: Sprague Electric Co., Lansing, N.C. 28643; TRW/IRC Fixed Resistors, Post Office Box 393, Boone, NC 28607. Send protests to: Frank H. Wait, Jr., Bureau of Operations, Interstate Commerce Commission, 316 East Morehead Street, Suite 417, BSR Building, Charlotte, NC 28202.

No. MC 138295 TA (Correction), filed January 5, 1973, published in the FEDERAL REGISTER January 23, 1973, corrected and republished in part as corrected this issue. Applicant: CYCLONE TRANSPORT, INC., 104 Black Hawk Street, Reinbeck, IA 50669. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des Moines, Iowa 50309. NOTE: The purpose of this partial republication is to set forth in Part (3) the correct origin point as Grundy Center, Iowa, in lieu of Grundy Center, Nev., shown in error in previous publication. The rest of the application remains the same.

MOTOR CARRIERS OF PASSENGERS

No. MC 138316 TA, filed January 15, 1973. Applicant: FRANCISCO GAZRES, doing business as EL PASO-LOS ANGELES TRAVEL AGENCY, 10449 Mackinaw Street, El Paso, TX 79924. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between El Paso, Tex., and Los Angeles, Calif., over Interstate Highway 10, serving no intermediate points, for 180 days. Supporting shippers: Roberto Villalba, Bobolink Way, El Paso, Tex. 79922; Eleuterio Casas Perez, 6263 East Yandell Drive, El Paso, TX 79905; Bruno V. Torres, 8957 Mount Etna Street, El Paso, TX 79904; Carmen Ramirez, 3728 Truman Avenue, El Paso, TX 79930. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2253 Filed 2-5-73;8:45 am]

[Notice 204]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 1, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74264. By application filed January 29, 1973, VALLEY TRANSIT CORP., 9001 West 79th Place, Justice, IL 60458, seeks temporary authority to lease the operating rights of WEST SUBURBAN TRANSIT LINES, INC., 600 East St. Charles Road, Post Office Box 227, Lombard, IL, under section 210a(b). The transfer to VALLEY TRANSIT CORP., of the operating rights of WEST SUBURBAN TRANSIT LINES, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2255 Filed 2-5-73;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*
3031–3179	Feb. 1
3181–3285	2
3287–3377	5
3379–3496	6

federal register

TUESDAY, FEBRUARY 6, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 24

PART II

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

■

U.S. SAVINGS BONDS, SERIES E

Dept. Circular No. 653, 8th Rev., 4th Supp.

Tilte 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF U.S. SAVINGS BONDS, SERIES E

Redemption Values and Investment Yields

The purpose of this supplement is to show the redemption values and investment yields for the next extended maturity period for U.S. Savings Bonds of Series E bearing issue dates of June 1 through November 1, 1943, June 1 through September 1, 1953, October 1 through November 1, 1953, June 1 through November 1, 1965, and June 1 through November 1, 1966. Accordingly, the tables to Department Circular No. 653, Eighth Revision, dated December 12, 1969, as amended (31 CFR Part 316), are hereby supplemented by the addition of Tables 8–A, 32–A, 33–A, 76–A, and 78–A, as set forth below.

Dated: January 18, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

TABLE 8 A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1943 [1]

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield (annual percentage rate)		
Period after second extended maturity (beginning 30 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — THIRD EXTENDED MATURITY PERIOD					(2) From beginning of third extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to third extended maturity
						Percent	*Percent*	*Percent*
First ½ year [2] (6/1/73)	$53.42	$106.84	$213.68	$1068.40	$2136.80	0.00	5.50	5.50
½ to 1 year (12/1/73)	54.89	109.78	219.56	1097.80	2195.60	5.50	5.50	5.50
1 to 1½ years (6/1/74)	56.40	112.80	225.60	1128.00	2256.00	5.50	5.50	5.50
1½ to 2 years (12/1/74)	57.95	115.90	231.80	1159.00	2318.00	5.50	5.49	5.50
2 to 2½ years (6/1/75)	59.54	119.08	238.16	1190.80	2381.60	5.50	5.51	5.50
2½ to 3 years (12/1/75)	61.18	122.36	244.72	1223.60	2447.20	5.50	5.49	5.50
3 to 3½ years (6/1/76)	62.86	125.72	251.44	1257.20	2514.40	5.50	5.50	5.50
3½ to 4 years (12/1/76)	64.59	129.18	258.36	1291.80	2583.60	5.50	5.51	5.50
4 to 4½ years (6/1/77)	66.37	132.74	265.48	1327.40	2654.80	5.50	5.48	5.50
4½ to 5 years (12/1/77)	68.19	136.38	272.76	1363.80	2727.60	5.50	5.51	5.50
5 to 5½ years (6/1/78)	70.07	140.14	280.28	1401.40	2802.80	5.50	5.51	5.50
5½ to 6 years (12/1/78)	72.00	144.00	288.00	1440.00	2880.00	5.50	5.50	5.50
6 to 6½ years (6/1/79)	73.98	147.96	295.92	1479.60	2959.20	5.50	5.49	5.50
6½ to 7 years (12/1/79)	76.01	152.02	304.04	1520.20	3040.40	5.50	5.50	5.50
7 to 7½ years (6/1/80)	78.10	156.20	312.40	1562.00	3124.00	5.50	5.51	5.50
7½ to 8 years (12/1/80)	80.25	160.50	321.00	1605.00	3210.00	5.50	5.48	5.50
8 to 8½ years (6/1/81)	82.45	164.90	329.80	1649.00	3298.00	5.50	5.51	5.51
8½ to 9 years (12/1/81)	84.72	169.44	338.88	1694.40	3388.80	5.50	5.50	5.50
9 to 9½ years (6/1/82)	87.05	174.10	348.20	1741.00	3482.00	5.50	5.51	5.51
9½ to 10 years (12/1/82)	89.45	178.90	357.80	1789.00	3578.00	5.50	5.50	5.50
THIRD EXTENDED MATURITY VALUE (40 years from issue date) (6/1/83)	91.91	183.82	367.64	1838.20	3676.40	[3] 5.50		

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the second extension begins is different from 5.50 percent.

[2] Month, day, and year on which issues of June 1, 1943, enter each period. For subsequent issue months add the appropriate number of months.

[3] Yield on purchase price from issue date to third extended maturity date is 4.91 percent.

TABLE 32 A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEPTEMBER 1, 1953 [1]

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield (annual percentage rate)		
Period after extended maturity (beginning 19 years 8 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) From beginning of second extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to second extended maturity
								Percent	*Percent*	*Percent*
First ½ year [2] (2/1/73)	$39.05	$78.10	$156.20	$312.40	$781.00	$1562.00	$15620	0.00	5.48	5.50
½ to 1 year (8/1/73)	40.12	80.24	160.48	320.96	802.40	1604.80	16048	5.48	5.53	5.50
1 to 1½ years (2/1/74)	41.23	82.46	164.92	329.84	824.60	1649.20	16492	5.51	5.48	5.50
1½ to 2 years (8/1/74)	42.36	84.72	169.44	338.88	847.20	1694.40	16944	5.50	5.52	5.50
2 to 2½ years (2/1/75)	43.53	87.06	174.12	348.24	870.60	1741.20	17412	5.50	5.47	5.50
2½ to 3 years (8/1/75)	44.72	89.44	178.88	357.76	894.40	1788.80	17888	5.50	5.50	5.50
3 to 3½ years (2/1/76)	45.95	91.90	183.80	367.60	919.00	1838.00	18380	5.50	5.53	5.50
3½ to 4 years (8/1/76)	47.22	94.44	188.88	377.76	944.40	1888.80	18888	5.50	5.46	5.50
4 to 4½ years (2/1/77)	48.51	97.02	194.04	388.08	970.20	1940.40	19404	5.50	5.52	5.50
4½ to 5 years (8/1/77)	49.85	99.70	199.40	398.80	997.00	1994.00	19940	5.50	5.50	5.50
5 to 5½ years (2/1/78)	51.22	102.44	204.88	409.76	1024.40	2048.80	20488	5.50	5.51	5.50
5½ to 6 years (8/1/78)	52.63	105.26	210.52	421.04	1052.60	2105.20	21052	5.50	5.51	5.50
6 to 6½ years (2/1/79)	54.08	108.16	216.32	432.64	1081.60	2163.20	21632	5.50	5.47	5.50
6½ to 7 years (8/1/79)	55.56	111.12	222.24	444.48	1111.20	2222.40	22224	5.50	5.51	5.50
7 to 7½ years (2/1/80)	57.09	114.18	228.36	456.72	1141.80	2283.60	22836	5.50	5.50	5.50
7½ to 8 years (8/1/80)	58.66	117.32	234.64	469.28	1173.20	2346.40	23464	5.50	5.49	5.50
8 to 8½ years (2/1/81)	60.27	120.54	241.08	482.16	1205.40	2410.80	24108	5.50	5.51	5.50
8½ to 9 years (8/1/81)	61.93	123.86	247.72	495.44	1238.60	2477.20	24772	5.50	5.49	5.50
9 to 9½ years (2/1/82)	63.63	127.26	254.52	509.04	1272.60	2545.20	25452	5.50	5.50	5.50
9½ to 10 years (8/1/82)	65.38	130.76	261.52	523.04	1307.60	2615.20	26152	5.50	5.51	5.51
SECOND EXTENDED MATURITY VALUE (29 years and 8 months from issue date) (2/1/83)	67.18	134.36	268.72	537.44	1343.60	2687.20	26872	[3] 5.50		

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the second extension begins is different from 5.50 percent.

[2] Month, day, and year on which issues of June 1, 1953, enter each period. For subsequent issue month add the appropriate number of months.

[3] Yield on purchase price from issue date to second extended maturity date is 4.35 percent.

TABLE 33 A

BONDS BEARING ISSUE DATES FROM OCTOBER 1 THROUGH NOVEMBER 1, 1953 [1]

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	Approximate investment yield (annual percentage rate)
Denomination	25.00	50.00	100.00	200.00	500.00	1,000.00	10,000	

Period after extended maturity (beginning 19 years 8 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) From beginning of second extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to second extended maturity
								Percent	*Percent*	*Percent*
First ½ year	[2] (6/1/73)	$39.35	$78.70	$157.40	$314.80	$787.00	$1574.00	$15740	0.00	5.49	5.50
½ to 1 year	(12/1/73)	40.43	80.86	161.72	323.44	808.60	1617.20	16172	5.49	5.49	5.50
1 to 1½ years	(6/1/74)	41.54	83.08	166.16	332.32	830.80	1661.60	16616	5.49	5.54	5.50
1½ to 2 years	(12/1/74)	42.69	85.38	170.76	341.52	853.80	1707.60	17076	5.51	5.48	5.50
2 to 2½ years	(6/1/75)	43.86	87.72	175.44	350.88	877.20	1754.40	17544	5.50	5.52	5.50
2½ to 3 years	(12/1/75)	45.07	90.14	180.28	360.56	901.40	1802.80	18028	5.50	5.50	5.50
3 to 3½ years	(6/1/76)	46.31	92.62	185.24	370.48	926.20	1852.40	18524	5.50	5.48	5.50
3½ to 4 years	(12/1/76)	47.58	95.16	190.32	380.64	951.60	1903.20	19032	5.50	5.51	5.50
4 to 4½ years	(6/1/77)	48.89	97.78	195.56	391.12	977.80	1955.60	19556	5.50	5.48	5.50
4½ to 5 years	(12/1/77)	50.23	100.46	200.92	401.84	1004.60	2009.20	20092	5.50	5.49	5.50
5 to 5½ years	(6/1/78)	51.61	103.22	206.44	412.88	1032.20	2064.40	20644	5.50	5.50	5.50
5½ to 6 years	(12/1/78)	53.03	106.06	212.12	424.24	1060.60	2121.20	21212	5.50	5.51	5.50
6 to 6½ years	(6/1/79)	54.49	108.98	217.96	435.92	1089.80	2179.60	21796	5.50	5.51	5.50
6½ to 7 years	(12/1/79)	55.99	111.98	223.96	447.92	1119.80	2239.60	22396	5.50	5.50	5.50
7 to 7½ years	(6/1/80)	57.53	115.06	230.12	460.24	1150.60	2301.20	23012	5.50	5.49	5.50
7½ to 8 years	(12/1/80)	59.11	118.22	236.44	472.88	1182.20	2364.40	23644	5.50	5.52	5.50
8 to 8½ years	(6/1/81)	60.74	121.48	242.96	485.92	1214.80	2429.60	24296	5.50	5.50	5.50
8½ to 9 years	(12/1/81)	62.41	124.82	249.64	499.28	1248.20	2496.40	24964	5.50	5.48	5.50
9 to 9½ years	(6/1/82)	64.12	128.24	256.48	512.96	1282.40	2564.80	25648	5.50	5.52	5.51
9½ to 10 years	(12/1/82)	65.89	131.78	263.56	527.12	1317.80	2635.60	26356	5.50	5.49	5.49
SECOND EXTENDED MATURITY VALUE (29 years and 8 months from issue date)	(6/1/83)	**67.70**	**135.40**	**270.80**	**541.60**	**1354.00**	**2708.00**	**27080**	[3] **5.50**		

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the second extension begins is different from 5.50 percent.

[2] Month, day, and year on which issues of Oct. 1, 1953, enter each period. For subsequent issue months add the appropriate number of months.

[3] Yield on purchase price from issue date to second extended maturity date is 4.37 percent.

TABLE 76 A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1965 [1]

Issue price	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	Approximate investment yield (annual percentage rate)
Denomination	25.00	50.00	75.00	100.00	200.00	500.00	1,000.00	10,000	

Period after original maturity (beginning 7 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) From beginning of extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to extended maturity
								Percent	*Percent*	*Percent*
First ½ year	[2] (3/1/73)	$26.40	$52.80	$79.20	$105.60	$211.20	$528.00	$1056.00	$10560	0.00	5.53	5.50
½ to 1 year	(9/1/73)	27.13	54.26	81.39	108.52	217.04	542.60	1085.20	10852	5.53	5.46	5.50
1 to 1½ years	(3/1/74)	27.87	55.74	83.61	111.48	222.96	557.40	1114.80	11148	5.49	5.53	5.50
1½ to 2 years	(9/1/74)	28.64	57.28	85.92	114.56	229.12	572.80	1145.60	11456	5.50	5.52	5.50
2 to 2½ years	(3/1/75)	29.43	58.86	88.29	117.72	235.44	588.60	1177.20	11772	5.51	5.50	5.50
2½ to 3 years	(9/1/75)	30.24	60.48	90.72	120.96	241.92	604.80	1209.60	12096	5.51	5.49	5.50
3 to 3½ years	(3/1/76)	31.07	62.14	93.21	124.28	248.56	621.40	1242.80	12428	5.50	5.47	5.50
3½ to 4 years	(9/1/76)	31.92	63.84	95.76	127.68	255.36	638.40	1276.80	12768	5.50	5.51	5.50
4 to 4½ years	(3/1/77)	32.80	65.60	98.40	131.20	262.40	656.00	1312.00	13120	5.50	5.49	5.50
4½ to 5 years	(9/1/77)	33.70	67.40	101.10	134.80	269.60	674.00	1348.00	13480	5.50	5.52	5.50
5 to 5½ years	(3/1/78)	34.63	69.26	103.89	138.52	277.04	692.60	1385.20	13852	5.50	5.49	5.50
5½ to 6 years	(9/1/78)	35.58	71.16	106.74	142.32	284.64	711.60	1423.20	14232	5.50	5.51	5.50
6 to 6½ years	(3/1/79)	36.56	73.12	109.68	146.24	292.48	731.20	1462.40	14624	5.50	5.47	5.50
6½ to 7 years	(9/1/79)	37.56	75.12	112.68	150.24	300.48	751.20	1502.40	15024	5.50	5.54	5.50
7 to 7½ years	(3/1/80)	38.60	77.20	115.80	154.40	308.80	772.00	1544.00	15440	5.50	5.49	5.50
7½ to 8 years	(9/1/80)	39.66	79.32	118.98	158.64	317.28	793.20	1586.40	15864	5.50	5.50	5.50
8 to 8½ years	(3/1/81)	40.75	81.50	122.25	163.00	326.00	815.00	1630.00	16300	5.50	5.50	5.50
8½ to 9 years	(9/1/81)	41.87	83.74	125.61	167.48	334.96	837.40	1674.80	16748	5.50	5.49	5.50
9 to 9½ years	(3/1/82)	43.02	86.04	129.06	172.08	344.16	860.40	1720.80	17208	5.50	5.49	5.50
9½ to 10 years	(9/1/82)	44.20	88.40	132.60	176.80	353.60	884.00	1768.00	17680	5.50	5.52	5.52
EXTENDED MATURITY VALUE (17 years and 9 months from issue date)	(3/1/83)	**45.42**	**90.84**	**136.26**	**181.68**	**363.36**	**908.40**	**1816.80**	**18168**	[3] **5.50**		

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 5.50 percent.

[2] Month, day, and year on which issues of June 1, 1965, enter each period. For subsequent issue months add the appropriate number of months.

[3] Yield on purchase price from issue date to extended maturity date is 5.05 percent.

TABLE 78 A

BOND BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1966 [1]

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield (annual percentage rate)

Period after original maturity (beginning 7 years after issue date	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD								(2) From beginning of extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) Form beginning of each half-year period to extended maturity
									Percent	*Percent*	*Percent*
First ½ year [2]	(6/1/73)	$25.92	$51.84	$77.76	$103.68	$207.36	$518.40	$1036.80	$10368	0.00	5.48	5.50
½ to 1 year	(12/1/73)	26.63	53.26	79.89	106.52	213.04	532.60	1065.20	10652	5.48	5.56	5.50
1 to 1½ years	(6/1/74)	27.37	54.74	82.11	109.48	218.96	547.40	1094.80	10948	5.52	5.48	5.50
1½ to 2 years	(12/1/74)	28.12	56.24	84.36	112.48	224.96	562.40	1124.80	11248	5.51	5.48	5.50
2 to 2½ years	(6/1/75)	28.89	57.78	86.67	115.56	231.12	577.80	1155.60	11556	5.50	5.54	5.50
2½ to 3 years	(12/1/75)	29.69	59.38	89.07	118.76	237.52	593.80	1187.60	11876	5.51	5.46	5.50
3 to 3½ years	(6/1/76)	30.50	61.00	91.50	122.00	244.00	610.00	1220.00	12200	5.50	5.51	5.50
3½ to 4 years	(12/1/76)	31.34	62.68	94.02	125.36	250.72	626.80	1253.60	12536	5.50	5.49	5.50
4 to 4½ years	(6/1/77)	32.20	64.40	96.60	128.80	257.60	644.00	1288.00	12880	5.50	5.53	5.50
4½ to 5 years	(12/1/77)	33.09	66.18	99.27	132.36	264.72	661.80	1323.60	13236	5.50	5.50	5.50
5 to 5½ years	(6/1/78)	34.00	68.00	102.00	136.00	272.00	680.00	1360.00	13600	5.50	5.47	5.50
5½ to 6 years	(12/1/78)	34.93	69.86	104.79	139.72	279.44	698.60	1397.20	13972	5.50	5.50	5.50
6 to 6½ years	(6/1/79)	35.89	71.78	107.67	143.56	287.12	717.80	1435.60	14356	5.50	5.52	5.50
6½ to 7 years	(12/1/79)	36.88	73.76	110.64	147.52	295.04	737.60	1475.20	14752	5.50	5.48	5.50
7 to 7½ years	(6/1/80)	37.89	75.78	113.67	151.56	303.12	757.80	1515.60	15156	5.50	5.54	5.50
7½ to 8 years	(12/1/80)	38.94	77.88	116.82	155.76	311.52	778.80	1557.60	15576	5.50	5.50	5.49
8 to 8½ years	(6/1/81)	40.01	80.02	120.03	160.04	320.08	800.20	1600.40	16004	5.50	5.50	5.49
8½ to 9 years	(12/1/81)	41.11	82.22	123.33	164.44	328.88	822.20	1644.40	16444	5.50	5.50	5.49
9 to 9½ years	(6/1/82)	42.24	84.48	126.72	168.96	337.92	844.80	1689.60	16896	5.50	5.49	5.49
9½ to 10 years	(12/1/82)	43.40	86.80	130.20	173.60	347.20	868.00	1736.00	17360	5.50	5.48	5.48
EXTENDED MATURITY VALUE (17 years from issue date)	(6/1/83)	**44.59**	**89.18**	**133.77**	**178.36**	**356.72**	**891.80**	**1783.60**	**17836**	[3] 5.53		

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 5.50 percent.

[2] Month, day, and year on which issues of June 1, 1966, enter each period. For subsequent issue months add the appropriate number of months.

[3] Yield on purchase price from issue date to extended maturity date is 5.16 percent.

[FR Doc.73-1391 Filed 2-5-73;8:45 am]

federal register

TUESDAY, FEBRUARY 6, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 24

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

EMERGENCY SCHOOL AID

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 185—EMERGENCY SCHOOL AID

Notice of propose rule making was published in the FEDERAL REGISTER on December 2, 1972, at 37 FR 25746, setting forth specific requirements for the award of assistance to local educational agencies and other public or nonprofit private agencies, institutions, or organizations under sections 706 and 708(b) of the Emergency School Aid Act (Subparts B, C, and G of the proposed regulation) and general provisions for the administration and operation of programs under the Act (Subparts A, E, and K of the proposed regulation). Comments were received with respect to the faculty ratio requirement for integrated schools projects (§ 185.11(d)(2)(ii)), the definition of "additional cost" (§ 185.13(a)), the amount of data required from applicant local educational agencies (§§ 185.13, 185.23, 185.43), the role of State educational agencies (§§ 185.13(j), 185.63(b)(3)), the inclusion of Public Law 81–874 assistance in computing applicant's maintenance of effort (§ 185.13(l)(2)), possible disclosure of students' individual test scores (§ 185.13(k), 185.44(g)), the weight assigned to objective factors in evaluating local educational agencies' applications for basic grants and pilot projects (§§ 185.14, 185.24), the measurement of applicants' financial and educational needs (§185.14), the basis for rating applications for assistance to prevent minority group isolation (§ 185.14), the requirements for public hearings and the establishment of districtwide and student advisory committees (§§ 185.41, 185.65), the districtwide advisory committee's right to a hearing with the Assistant Secretary (§ 185.41(d)), the definition of an "equitable basis" for participation of nonpublic school students and faculty members (§ 185.42(b)(2)), the prohibition against any payment of salaries of nonpublic school teachers or employees (§ 185.42(h)), the waiver of the nonpublic school participation requirement (§ 185.42(i)), and the relation between applicant nonprofit groups and the local educational agencies they propose to serve (§§ 185.61(d), 185.63(b)(3)). Following review of the comments, the following changes were made:

A—SUMMARY OF CHANGES BASED ON COMMENTS RECEIVED

1. Section 185.13(l)(2) has been amended so that a local educational agency need not include funds received pursuant to Public Law 81–874 in computing its "current expenditure per pupil" for purposes of determining compliance with the requirement as to maintenance of local fiscal effort.

2. Section 185.13(k) has been amended to make it clear that the reporting requirement of § 185.13(k)(1)(iii) refers to averages of test scores, not to individual test data. In addition, the requirement of § 185.13(k)(2) that reports and records covered by § 185.13(k) be made available to the public has been modified so as not to apply to the reports and records concerning eligibility and compliance as specified in § 185.13(k)(3). Nonetheless, applicants may be required, pursuant to § 185.44(g) (which has been reworded), to disclose certain data concerning individual students or employees to the Secretary or the Assistant Secretary, and are urged to make available to members of the general public such eligibility and compliance information as will not violate individuals' rights of privacy or confidentiality.

3. A number of comments were received as to the amount of information required to be submitted by applicants pursuant to § 185.13. This information is necessary for a determination as to whether applicants are in compliance with various statutory requirements. However, § 185.13(g) has been amended by deleting subparagraph (2), on the ground that the information required therein does not materially assist in making the required determination as to compliance with section 710(a)(10)(A) of the Act.

4. Section 185.24(a) has been amended to reduce the weight given to "effective net reduction of minority group isolation" in rating applications by local educational agencies for pilot projects. Since such projects are designed for students in minority group isolated schools where reduction or elimination of such isolation is difficult or impossible, a maximum of 30 points, rather than 60, will be awarded to applicants for such assistance on the basis of their district-wide efforts to reduce or eliminate such isolation. A number of commenters urged that a similar change be made with respect to basic grants, but the emphasis in section 706(a) of the Act on reduction of isolation, and the importance of such reduction in determining the need for basic grant assistance, made such a revision inadvisable.

5. Section 185.41(b) has been amended to clarify the requirement that the "minutes" of the required public hearing be submitted with a local educational agency's application for assistance. Such minutes need not be a verbatim transcript of the hearing, but must include, at a minimum, the time, date, and location of the hearing, the number of persons in attendance, and a brief summary of the views expressed.

6. Section 185.41(c)(2) has been amended to require applicant local educational agencies to consult with the appropriate teachers' organization before selecting teachers to serve on the required district-wide advisory committee, and to authorize such agencies to delegate such selections to the appropriate organization.

7. Section 185.41(c)(4) has been amended to permit adult members of district-wide advisory committees to select more than the minimum number of secondary school students to serve on the committee, and § 185.41(h) has been amended to allow members of student advisory committee formed after the award of assistance to select additional student members for the district-wide committee. In all cases, the racial, ethnic and parental ratios set forth in § 185.41(c)(3) are required to be maintained.

8. Section 185.41(d) has been amended to afford local educational agencies an opportunity to reply to comments or criticisms made by a district-wide advisory committee at a hearing with the Assistant Secretary or his designee.

9. Sections 185.41(g) and 185.65(c) have been amended to require participation by the district-wide advisory committee in the development of any amendments of, or addition to, the proposed program, project, or activity.

10. The definition in § 185.42(b)(2) of an "equitable basis" for participation of nonpublic school students and faculty members in a local educational agency's program, project, or activity has been amended to make it clear that the special needs served in nonpublic nonprofit elementary and secondary schools need not be identical to those served in the public schools.

11. The restriction in § 185.42(h) on payment, with funds awarded under the Act, of salaries for teachers and other employees of nonpublic schools has been reworded to indicate that compensation of such persons for services performed after school hours while not under the direction and control of such schools may be permissible in appropriate cases.

12. In § 185.42(i), the provision that the Assistant Secretary "may" waive the nonpublic school participation requirement in certain cases and arrange for such participation as set forth in the Act has been amended to provide that the Assistant Secretary "shall" do so, in order to conform to the statutory language.

13. Section 185.43(a)(1) has been amended so that educational agencies, in transferring property or services, need not obtain articles of incorporation or similar documents from transferees if such agencies can be satisfied from the legal name and address of the transferee (or its principal) that they are not dealing with a nonpublic school or school system or a person or organization controlling, operating, or intending to establish such a school or school system.

B—OTHER CHANGES

1. Section 185.41(h) has been amended to require that student advisory committees be established by local educational agencies not more than 15 days after the award of assistance or 15 days after the commencement of the academic year for which assistance is awarded, whichever is later.

2. The exception to § 185.43(c)(1) for testing for assignments to remedial language classes has been eliminated because the inclusion of English-dominant children in such classes is encouraged and because such classes, in any event, would not normally account for more

than 25 per centum of the school day classroom periods.

3. Section 185.45 has been amended to make it clear that the provisions as to termination of assistance apply to all recipients of assistance under the Act, except those awarded evaluation contracts under section 713.

4. Appendix A, Grant Terms and Conditions, has been amended to apply to assistance contracts as well as grants, and to conform to the uniform policies regarding Federal financial assistance as set forth in Office of Management and Budget Circular A–102.

5. Other minor changes have been made, either to correct clerical errors or to affect solely technical matters.

C—SUMMARY OF COMMENTS

1. A number of commenters questioned the requirement of § 185.11(d)(2)(ii) that "integrated schools" established or maintained with assistance under the Act have faculties in which the proportion of minority group members is within 10 per centum of the percentage of minority group members residing in the school district served by the applicant or, in certain cases, within 10 per centum of the ratio on the applicant's faculty as a whole. The subdivision in question attempts to make more specific the faculty assignment requirements embodied in the definition of an "integrated school" set forth in section 720(7) of the Act. It should be understood, however, that the requirement in question does not apply to all local educational agencies applying for assistance, but only to those seeking to establish or maintain one or more integrated schools pursuant to § 185.11(d). The faculty assignment requirement for other local educational agencies, set forth in § 185.43(b)(2), is that full-time classroom teachers be assigned to individual schools so as not to identify any school as intended for students of a particular race, color, or national origin.

2. A number of commenters felt that the assurances required pursuant to § 185.13(1), and particularly pursuant to § 185.13(1)(1), improperly refer to transfers, practices, procedures, or other conduct which occurred prior to June 23, 1972, the effective date of the Act. It should be understood that in this regard, § 185.13(1) requires assurances that the applicant has not engaged prior to the date of its application in transfers, practices, procedures, or other conduct proscribed by § 185.43, and that the reference to § 185.43 incorporates the June 23 effective date which is an element of each paragraph of that section. Therefore, only violations occurring or continuing after June 23 are covered by the required assurances.

3. A number of commenters expressed concern that the criteria for assistance in § 185.14, particularly § 185.14(a)(2), do not fairly reward plans for the prevention of minority group isolation. A plan for prevention of such isolation qualifies a local educational agency for assistance under § 185.11(b)(3), and the effectiveness of a program, project, or activity related to such a plan, which cannot readily be quantified, will be rated on the basis of the programmatic criteria set forth in § 185.14 (§ 185.14(b)(1) has been amended to correct a clerical error and to reward needs assessment related to prevention of minority group isolation). Local educational agencies which have implemented an effective plan for desegregation or for elimination or reduction of minority group isolation, and which now are in need of assistance to combat resegregation, can apply for a prevention project and earn full credit for the effective net reduction of minority group isolation which they have already accomplished. Such agencies which have not previously desegegated or reduced minority group isolation, or which have done so on a relatively small scale, may also apply for prevention projects, but their need for such assistance, as measured pursuant to § 185.14(a)(2), will be of a lesser degree.

4. A number of commenters felt that the criteria set forth in § 185.14 fail to to take account of local educational agencies' financial and educational need as described in section 710(c)(1) of the Act. It should be understood that an applicant's financial need, with respect to the program, project, or activity to be assisted, is considered in determining the additional cost to be funded pursuant to § 185.13(a) and § 185.14(c)(1). Educational needs are a major factor in awarding points to an applicant on the basis of the needs assessment criterion (§ 185.14(b)(1)).

5. A number of commenters objected to the requirement of §§ 185.41(c)(1) and 185.65(b)(1) that applicants designate at least five civic or community organizations to select members of the applicant's district-wide advisory committees. A similar requirement was included in the regulation for the Emergency School Assistance Program (35 FR 13442, 36 FR 16546), and proved effective in insuring that the required advisory committees were representative of the community to be served. The required reliance upon civic and community organizations is the most effective method of achieving the statutory objective of involvement of "representatives of the area to be served" (section 710(a)(3) of the Act).

6. A number of comments were received objecting to the requirement of § 185.41(h) that local educational agencies establish student advisory committees in secondary schools affected by their program, project, or activity. The Assistant Secretary feels that student participation is essential to the success of programs, projects, or activities funded under the Act, and that the student advisory committee requirement is the most effective means of insuring such participation, in furtherance of the objectives of section 710(a)(3) of the Act. Such committees have been effective vehicles for student involvement under the emergency school assistance program.

7. A number of comments were received to the effect that State educational agencies have not been given a meaningful role in the application and funding process. Pursuant to the Act, State educational agencies are provided an opportunity to comment to the applicant and the Assistant Secretary in the case of applications under Subparts B and C (§ 185.13(j)), and to the Assistant Secretary in the case of applications under Subpart G (§ 185.63(b)(3)). The Assistant Secretary intends to accord such comments great weight in making decisions as to the award of assistance, and has also invited State educational agencies to participate in providing leadership and technical assistance to applicants and grantees and in monitoring programs, projects, and activities assisted under the Act. In addition, State educational agencies may be eligible to apply for assistance under subpart G, for programs, projects, or activities related to local educational agencies implementing eligible plans.

8. A number of commenters questioned the stipulation in § 185.61(d)(2) that a request by a local educational agency is required before a public or nonprofit private applicant can be assisted to support the development of a plan or project described in § 185.11. The stipulation reflects the determination that it would not further the purposes of the Act to assist the development of a plan for a local educational agency which had shown no interest in its development or implementation.

9. A number of commenters also questioned the absence of a stipulation such as that described in paragraph 8 above with respect to public or nonprofit private applicants seeking assistance to support the implementation of a plan or project described in § 185.11. While the regulation, in §§ 185.63(b)(3), 185.64(b)(1)(i), and 185.64(b)(3)(i)(a), rewards such applicants for efforts to cooperate and coordinate with the appropriate local educational agency, there was no basis for a determination that no program, project, or activity assisted under Subpart G could succeed without being initially requested by the local educational agency.

10. One comment was received to the effect that the regulatory provisions cited in paragraph 9 above with respect to cooperation and coordination between local educational agencies and public or nonprofit private applicants unfairly gave local educational agencies a "veto" power over Subpart G applications. While the Assistant Secretary strongly encourages such cooperation and coordination, the regulation does not penalize a Subpart G applicant which has sought in good faith, but failed, to establish a working relationship with the appropriate local educational agency.

11. A number of other comments were received regarding such matters as public hearings (§ 185.41(b)), advisory committee participation (§§ 185.41 (a), (d), (e), and (g)), and limitations on eligibility (§§ 185.43, 185.44), which are governed or required by specific provisions of the Act and which therefore could not be changed as suggested.

12. A number of inquiries were received as to whether the definition of "additional cost" in § 185.13(a) excludes assistance for any indirect costs associated with a proposed program, project, or activity. The regulatory definition does not necessarily exclude such costs, but requires them to be actual, incremental costs attributable to the program, project, or activity to be assisted. The allowability of claimed indirect costs will be determined on a case-by-case basis in the light of § 185.13(a).

After consideration of the above comments and consultation with the National Advisory Council on Equality of Educational Opportunity as set forth in section 716 of the Act, Part 185 of Title 45 of the Code of Federal Regulations as proposed is hereby adopted.

Federal financial assistance provided pursuant to the Emergency School Aid Act is subject to the regulation in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Such assistance is also subject to Title IX of the Education Amendments of 1972 (20 U.S.C. 1681).

Effective date. As appears from the above summary, the modifications herein do not involve any changes of a substantial nature from the provisions which were published in the FEDERAL REGISTER on December 2, 1972, as proposed rule making. Accordingly, this regulation shall be effective on February 6, 1973.

Date: January 29, 1973.

S. P. MARLAND, Jr.,
Assistant Secretary for Education.

Approved: January 30, 1973.

FRANK C. CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Subpart A—Purpose

AUTHORITY: Except as specifically noted below, the provisions of this Part 185 are issued under Title VII of Public Law 92-318, 86 Stat. 354-371 (20 U.S.C. 1601-1619).

Subpart A—Purpose

§ 185.01 Purpose.

Programs, projects, or activities assisted under the Act shall be for the purpose of achieving one or more of the following objectives:

(a) Meeting the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(b) Eliminating, reducing, or preventing minority group isolation in elementary and secondary schools with substantial proportions of minority group students;

(c) Aiding school children in overcoming the educational disadvantages of minority group isolation.

(Public Law 92-318, section 702(b))

§ 185.02 Definitions.

Except as otherwise specified, the following definitions shall apply to the terms used in this part:

(a) The term "Assistant Secretary" means the Assistant Secretary of Health, Education, and Welfare for Education.

(Public Law 92-318, section 720(1))

(b) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(Public Law 92-318, section 720(3))

(c) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(Public Law 92-318, section 720(4))

(d) The term "institution of higher education" means an educational institution in any State which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized within such State to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's degree; or provides not less than a 2-year program which is acceptable for full credit toward such a degree, or offers a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(4) Is a public or other nonprofit institution; and

(5) Is accredited by a nationally recognized accrediting agency or association listed by the Commissioner of Education for the purposes of this paragraph.

(Public Law 92-318, section 720(5))

(e) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a federally recognized Indian reservation, or such combination of school districts, or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school and where responsibility for the control and direction of the activities in such schools which are to be assisted under the Act is vested in an agency subordinate to such a board or other authority, the Assistant Secretary may consider such subordinate agency as a local educational agency for purposes of the Act.

(Public Law 92-318, section 720(8))

(f) (1) The term "minority group" refers to (i) persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, Oriental, Alaskan natives, and Hawaiian natives, and (ii) (except for purposes of section 705 of the Act), as determined by the Assistant Secretary, persons who are from environments in which a dominant language is other than English and who, as a result of language barriers and cultural differences, do not have an equal educational opportunity.

(2) The term "Spanish-surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

(Public Law 92-318, section 720(9))

(g) The terms "minority group isolated school" and "minority group isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 50 percent of the enrollment of a school.

(Public Law 92-318, section 720(10))

(h) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(Public Law 92-318, section 720(12))

(i) The term "State" means one of the 50 States or the District of Columbia. For purposes of section 708(a) of the Act, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be deemed to be States.

(Public Law 92-318, section 720(14))

(j) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for such purpose.

(Public Law 92-318, section 720(15))

(k) The term "desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" does not mean the assignment of students to public schools in order to overcome racial imbalance.

(42 U.S.C. 2000c(b))

(l) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(m) The term "nonprofit" as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(Public Law 92-318, section 720(11))

(n) The term "the Act" means the Emergency School Aid Act (title VII of Public Law 92-318).

§ 185.03 General terms and conditions.

Grants and assistance contracts awarded pursuant to this part shall be subject to the general terms and conditions attached as Appendix A to this part.

(Public Law 92-318, title VII)

§§ 185.04–185.10 [Reserved]

Subpart B—Basic Grants

§ 185.11 Eligibility for assistance.

(a) *Plans pursuant to court or agency order.* (1) A local educational agency may apply for assistance under this subpart if it is implementing a plan which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of minority group isolation in such schools. For purposes of this subparagraph, a State agency or official of competent jurisdiction means any State agency or official authorized pursuant to State law to issue such an order.

(2) A local educational agency may apply for assistance under this subpart if it is implementing a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in the schools of such agency.

(Public Law 92-318, section 706(a)(1)(A))

(b) *Nonrequired plans.* (1) A local educational agency may apply for assistance under this subpart if, without having been required to do so, it has adopted and is implementing, or will, if assistance is made available to it under this subpart, adopt and implement, a plan for the complete elimination of minority group isolation in all the minority group isolated schools of such agency. The term "complete elimination of minority group isolation," for purposes of this subparagraph, refers to a condition in which no school operated by a local educational agency has or will have (upon implementation of such plan) a minority group enrollment of more than 50 percent, where (prior to the implementation of such plan) minority group children attended one or more schools operated by such agency in which they constituted more than 50 percent of the enrollment.

(2) A local educational agency may apply for assistance under this subpart if it has adopted and is implementing, or will, if assistance is made available to it under this subpart, adopt and implement, a plan to eliminate or reduce minority group isolation in one or more of the minority group isolated schools of such agency, or to reduce the total number of minority group children who are enrolled in minority group isolated schools of such agency.

(i) Elimination of minority group isolation, for purposes of this subparagraph, refers to a change in the enrollment of one or more schools operated by a local educational agency (pursuant to such plan) whereby the proportion of minority group children attending such school or schools is reduced from a proportion greater than 50 percent to a proportion of 50 percent or less.

(ii) Reduction of minority group isolation, for purposes of this subparagraph, refers to the reduction, but not below 50 percent (pursuant to such plan), of the proportion of minority group children attending one or more schools operated by a local educational agency at which school or schools such children constitute more than 50 percent of the enrollment.

(3) A local educational agency may apply for assistance under this subpart if it has adopted and is implementing, or will, if assistance is made available to it under this subpart, adopt and implement, a plan to prevent minority group isolation reasonably likely to occur (in the absence of assistance under this subpart) in any school operated by such agency in which school at least 20 percent, but not more than 50 percent, of the enrollment consists of minority group children.

(4) A local educational agency may apply for assistance under this subpart if, without having been required to do so, it has adopted and is implementing, or will, if assistance is made available to it under this subpart, adopt and implement, a plan to enroll and educate in the schools of such agency children who would not otherwise be eligible for enrollment because of nonresidence in the school district of such agency, where such enrollment would make a significant contribution toward reducing minority group isolation in one or more of the school districts to which such plan relates. Such a plan shall not be deemed to make a significant contribution toward reducing minority group isolation unless such plan involves the enrollment by a local educational agency of at least 25 children who would not otherwise be eligible for enrollment because of nonresidence in the school district of such agency. Reducing minority group isolation in one or more school districts, for purposes of this subparagraph, refers to actions undertaken by a local educational agency (pursuant to such plan) which has any of the effects described in subparagraphs (1), (2)(i), or (2)(ii) of this paragraph.

(5) A local educational agency shall be deemed to have adopted and implemented a plan described in this paragraph without having been required to do so, if such plan has not been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, or has not been required and approved by the Secretary under title VI of the Civil Rights Act of 1964, notwithstanding the fact that such plan may be required by, or such local educational agency may be acting pursuant to, the Constitution and laws of the United States or of any State.

(Public Law 92-318, sections 706(a)(1)(B), (C), and (D), 720(10))

(c) *Implementation of a plan.* (1) For purposes of determining eligibility for assistance under this subpart, a local educational agency shall be deemed to be implementing a plan if it is operating its school system in accordance with the requirements of such plan. The eligibility of a local educational agency for consideration under the Act shall not be affected

by the date on which its plan was adopted, or ordered to be adopted, or by the fact that the steps to be taken under the plan have been completed.

(2) Where the eligibility of a local educational agency is based on a plan described in paragraph (b) of this section, such agency shall provide assurances and information satisfactory to the Assistant Secretary that such plan has been adopted and implemented, or will be adopted and implemented if assistance is made available to it under this subpart, including:

(i) A copy of a school board resolution or other evidence of final official action adopting and implementing such plan, or adopting and agreeing to implement such plan upon the award of assistance under the Act; and

(ii) In the case of a plan to be implemented upon the award of assistance under the Act, evidence that notice of the contents of such plan and of the intent to implement it upon the award of such assistance has been published in a newspaper of general circulation serving the school district of such agency no later than 20 days prior to submission by such agency of an application for such assistance.

(3) An application of a local educational agency for assistance under this subpart shall be accompanied by (i) a complete copy of the plan, including all relevant legal documents, which such agency has adopted and is implementing (or will adopt and implement if such assistance is made available) and upon which such agency bases its application for such assistance; (ii) a summary of the present requirements for such plan; and (iii) a concise statement showing the relationship between such plan and the program, project, or activity for which such assistance is sought.

(Public Law, 92-318, sections 706(a)(1)(B), (C), and (D), 707)

(d) *Integrated schools projects.* (1) A local educational agency in the schools of which more than 50 percent of the number of children enrolled are minority group children, which agency has applied for and will receive assistance under subpart C of this part, may apply for assistance under this subpart, in an amount not to exceed the sum to be awarded under subpart C of this part, for the establishment or maintenance of one or more integrated schools.

(2) (i) For purposes of this paragraph, an integrated school must have an enrollment in which (*a*) at least 40 percent of the children are from families whose income is higher than the median family income for the school district served by the local educational agency (or the appropriate governmental unit for which such information is available), or (*b*) at least 50 percent of the children currently score at or above the 60th percentile on a recognized standard reading achievement test when compared with students of comparable age or grade level in the schools of such agency as a whole, and in which the number of nonminority group children constitutes that proportion of the enrollment which will achieve stability (in no event more than 65 percent of such enrollment, nor less than the proportion of nonminority children in attendance at all the schools operated by such agency).

(ii) For purposes of this paragraph, an integrated school must have a faculty in which (*a*) the percentage of minority group teachers, supervisors, and administrators, taken together, is within 10 percent of the percentage of minority group members residing in the school district served by the local educational agency (or the appropriate governmental unit for which such information is available), or (*b*) where the percentage of minority group teachers, supervisors, and administrators, taken together, has increased by 10 percent or more over the 3 fiscal years immediately preceding the year or years for which assistance is sought under this paragraph, the percentage of such personnel is within 10 percent of the percentage which exists in the faculty of such agency as a whole.

(Public Law 92-318, sections 706(a)(3), 720(7))

§ 185.12 Authorized activities.

(a) The following activities are authorized to be carried out with financial assistance made available under this subpart when such activities would not otherwise be funded and are designed to carry out the purposes described in § 185.01. Such activities shall be directly related to, and necessary to, the implementation of a plan or project described in § 185.11:

(1) Remedial services, beyond those provided under the regular school program conducted by the local educational agency, including student to student tutoring, to meet the special needs of children (including gifted and talented children) in schools which are affected by a plan or project described in § 185.11, when such services are deemed necessary to the success of such plan or project;

(2) The provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or the elimination, reduction, or prevention of minority group isolation) and the training and retraining of staff for such schools;

(3) Recruiting, hiring, and training of teacher aides;

(4) Inservice teacher training designed to enhance the success of schools assisted under the Act through contracts with institutions of higher education, or other institutions, agencies, and organizations individually determined by the Assistant Secretary to have special competence for such purpose;

(5) Comprehensive guidance, counseling, and other personal services for children in schools affected by a plan or project described in § 185.11;

(6) The development and use of new curricula and instructional methods, practices, and techniques (and the acquisition of instructional materials relating thereto) to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups;

(7) Educational programs using shared facilities for career education and other specialized activities;

(8) Innovative interracial educational programs or projects involving the joint participation of minority group children and other children attending different schools, including extracurricular activities and cooperative exchanges or other arrangements between schools within the same or different school districts;

(9) Community activities, including public information efforts in support of a plan, program, project, or activity described in the Act;

(10) Administrative and auxiliary services to facilitate the success of the program, project, or activity assisted under this subpart;

(11) Planning programs, projects, or activities assisted under this subpart, the evaluation of such programs, projects, or activities, and dissemination of information with respect to such programs, projects, or activities;

(12) Repair or minor remodeling, or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of instructional equipment) and the lease or purchase of mobile classroom units or other mobile education facilities.

(Public Law 92-318, sections 702(b), 707(a))

(b) The activities authorized under paragraphs (a) (10) and (11) of this section shall be assisted only as part of, and in conjunction with, a comprehensive educational program, project, or activity designed to carry out the purposes described in § 185.01.

(Public Law 92-318, sections 702(b), 707(a))

(c) Applications by local educational agencies for assistance under this subpart shall include an assurance that in the case of a proposed program or project which includes activities authorized under paragraph (a)(3) of this section, preference in recruiting and hiring teacher aides shall be given to parents of children attending schools assisted under the Act.

(Public Law 92-318, section 707(a)(3))

(d) The term "repair or minor remodeling or alteration," for purposes of paragraph (a)(12) of this section, means the making over or remaking, in a previously complete building or facility, of space used or to be used for activities otherwise authorized by this section, where such making over or remaking is necessary for effective use of such space for such purpose and where no other space is available for such use. The term does not include building construction, structural alterations to buildings, building maintenance, or general or large-scale renovation of existing buildings or facilities. In no case may more than 10 percent of the amount made available to the applicant under this subpart be used for activities authorized under paragraph (a)(12) of this section.

(Public Law 92-318, section 707(a)(12))

§ 185.13 Applications.

An applicant desiring to receive assistance under this subpart for any fiscal year shall submit to the Assistant Secretary an application therefor for that fiscal year, which application shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use the funds received under this subpart only for the activities set forth in § 185.12. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary. Such application shall contain the following:

(a) *Additional cost.* An assurance that funds paid to the applicant under such application will be used solely to pay the additional cost to the applicant in carrying out the program, project, or activity described in the application, and that the funds requested in the application represent the additional cost to the applicant arising out of activities authorized under the Act, above that of the activities normally carried out by such applicant.

(1) In determining whether a cost of an activity for which assistance is sought under the Act is an additional cost, for purposes of this paragraph, the Assistant Secretary shall take into account only the actual, incremental cost of such activity. Incremental costs, for purposes of this paragraph, are those costs which can be identified specifically with a particular cost objective related solely to the activity to be assisted, and are not those costs incurred for a common or joint purpose benefiting any cost objective or objectives not so related to such activity.

(2) The cost of an activity which was supported by an applicant with funds from other sources during the fiscal year preceding the fiscal year or years for which assistance is sought under the Act, and for which funds available from such other sources for the fiscal year or years for which such assistance is sought have not been reduced except by the action of such applicant, shall not be considered as an additional cost to such applicant.

(Public Law 92-318, sections 706(c), 710(a)(4))

(b) *Administration by applicant.* An assurance that the program for which assistance is sought will be administered by the applicant, and that any funds received by the applicant under the Act, and any property derived therefrom, will remain under the administration and control of the applicant;

(Public Law 92-318, section 710(a)(5))

(c) *Unavailability of non-Federal funds.* An assurance that the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which application is made;

(Public Law 92-318, section 710(a)(6))

(d) *Evaluation.* An assurance that the applicant will cooperate with the Assistant Secretary or any State educational agency, institution of higher education, or private organization, institution, or agency, including a committee established pursuant to § 185.41(a), in the evaluation by the Assistant Secretary or such agencies, institutions, or organizations of specific plans, programs, projects, or activities assisted under the Act. Such evaluations may require the establishment or maintenance of control groups or schools, and may include a reasonable number of interviews with, or questionnaires, achievement tests, and other evaluation instruments administered to, administrators, principals, teachers, students, program or project staff, and community members at reasonable times and places. Such evaluations may also require the applicant to provide reasonable assistance in the organization and administration of the evaluation, including recordkeeping. Where determined to be appropriate by the Assistant Secretary, participation by the applicant in an evaluation conducted pursuant to this paragraph shall be considered fulfillment of the requirements for local evaluation under paragraph (k)(1) of this section.

(Public Law 92-318, sections 710(a)(15), 713)

(e) *Compliance with plan.* An assurance that the applicant will carry out, and comply with, all provisions, terms, and conditions of any plan, program, project, or activity upon which a determination of its eligibility for assistance under the Act is based;

(Public Law 92-318, section 710(a)(9))

(f) *Religious activity.* An assurance that Federal funds made available under the Act will not be used in connection with any sectarian activity or religious worship, or in connection with any part of a school or department of Divinity. The term "school or department of Divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(g) *Supplementing of non-Federal funds.* An assurance that funds made available to the applicant under the Act will be so used (1) as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of funds under the Act, be available from non-Federal sources for the purposes of the program for which assistance is sought, and for promoting the integration of the schools of the applicant, and for the education of children participating in the proposed program, project, or activity, and (2) in no case, as to supplant such funds from non-Federal sources.

(Public Law 92-318, sec. 710(a)(10)(A))

(h) *Coordination.* An assurance that funds made available under any other law of the United States will be used in coordination with funds made available under the Act, to the extent consistent with such other law; and a statement of procedures employed by the applicant to coordinate its proposed program, project, or activity under the Act with projects conducted pursuant to Titles I, III, and VII of the Elementary and Secondary Education Act of 1965 and Title IV of the Civil Rights Act of 1964. Coordination, with respect to the assurance required by this paragraph, includes the following policies or procedures:

(1) Taking all practicable steps to obtain Federal assistance under any other law of the United States for which the applicant is eligible;

(2) Applying funds made available under the Act in such manner as not to duplicate or counteract the effects of funds made available under such other laws; and

(3) When practicable, applying funds made available under the Act so as to increase the impact or effectiveness of funds made available under such other laws, or to provide the same or similar benefits to children in need of, but not able to participate in, programs conducted under such other laws.

(Public Law 92-318, secs. 710(a)(8), 710(a)(10)(B); Senate Rept. No. 92-798, p. 217)

(i) *Maintenance of effort.* (1) An assurance (i) that the applicant has not reduced its fiscal effort for the provision of free public education for children in attendance at its schools for the fiscal year or years for which assistance is sought under the Act to less than that of the second preceding fiscal year, and (ii) that the current expenditure per pupil which such agency makes from revenues derived from its local sources for the fiscal year or years for which assistance under the Act will be made available to the applicant is not less than such expenditure per pupil which such agency made from such revenues for (*a*) the fiscal year preceding the fiscal year during which the agency began implementation of the plan with respect to which assistance is sought under the Act, or (*b*) the third fiscal year preceding the first fiscal year for which assistance will be made available under the Act, whichever is later; and (2) a statement of total local revenues available for expenditure and the tax rate applied by the responsible governmental unit for the fiscal year for which assistance is sought and for the second preceding fiscal year, and of the current expenditure per pupil from revenues derived from local sources for (i) the first fiscal year for which assistance is sought, (ii) the fiscal year preceding the fiscal year during which the agency began implementation of its plan, and (iii) the third fiscal year preceding the first fiscal year for which assistance is sought. The term "current expenditure per pupil," for purposes of this paragraph, means the expenditure for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities (but not including expenditures for community services, capi-

tal outlay and debt service, or any expenditure made from funds granted under any Federal program of assistance), divided by the number of children in average daily attendance to whom the agency provided free public education during the year for which the computation is made. This paragraph shall not be construed to disqualify an agency whose fiscal effort or current expenditure per pupil has been reduced solely as part of a comprehensive State plan to reorganize public educational financing (without regard to funds made available or to be made available under the Act), where the effect of such plan is to maintain or increase the combined State and local fiscal effort or expenditure per pupil.

(Public Law 92-318, sections 710(a)(13), 710(a), 720(2))

(j) *State agency review.* An assurance that the appropriate State educational agency has been given at least 15 days to offer recommendations to the applicant; and a statement indicating the State official or agency to whom the proposed program, project, or activity has been submitted for such recommendations, and the date of such submission. No application for assistance shall be approved less than 10 days after a copy of said application has been submitted by the Assistant Secretary to the appropriate State educational agency for comment, unless the Assistant Secretary has received comments from such agency upon such application prior to expiration of the 10-day period.

(Public Law 92-318, section 710(a)(14))

(k) *Reports and information.* An assurance that the applicant will submit such reports containing such information in such form as the Secretary or the Assistant Secretary may require in order to carry out their functions under the Act, and that the applicant will keep such records and afford such access thereto as will be necessary to assure the correctness of such reports and to verify them.

(1) In the case of reports relating to performance and evaluation of the approved program, project, or activity, such reports shall provide objective measurement of the change in educational achievement and other changes effected with assistance provided under the Act, including:

(i) Specific evidence of progress toward achievement of the goals stated in the applicant's project application;

(ii) Specific evidence as to the impact of assistance provided under the Act upon related programs and upon the community served by the applicant; and

(iii) Specific information, such as averages of standardized achievement test scores, relating to educational achievement of children in the schools of the applicant, and to the effect of assistance provided under the Act upon the educational performance of such children.

(2) Copies of the reports and records referred to in subparagraph (1) of this paragraph shall be made available by the applicant to interested members of the public at no charge or at a charge not to exceed the cost to the applicant of making such copies available, and such reports and records shall be available for inspection by interested members of the public at reasonable times and places.

(3) Reports and records required to be kept and to be made available to the Assistant Secretary under this paragraph shall include information as to the matters set out in §§ 185.43 and 185.44, including but not limited to:

(i) Records relating to transfers of property or services as required under §§ 185.43(a) and 185.44(c);

(ii) Records relating to recruitment, hiring, promotion, payment, demotion, dismissal, and assignment of instructional, administrative, or other personnel for the periods covered by §§ 185.43(b) and 185.44(d);

(iii) Records relating to assignment of children to or within classes and to any ability grouping practiced by the applicant, as such grouping is defined in § 185.43(c); and

(iv) Records relating to the practices or procedures referred to in § 185.43(d), including specific information as to disciplinary sanctions (corporal punishment, suspension, expulsion, and the like) imposed upon minority and nonminority group children in every school operated by the applicant.

(Public Law 92-318, sections 706(d), 710(a)(15), 710(a)(16); 20 U.S.C. 1232(c))

(l) *Compliance with eligibility requirements.* (1) (i) An assurance that the applicant has not engaged prior to the date of its application for assistance under the Act, and will not engage subsequent to such date, in any transfer of property or services to a discriminatory nonpublic school (including such schools or school systems to whose students, faculty, or other educational staff services will be provided under § 185.42) in violation of § 185.43(a) (or that if such a violation has occurred, application for a waiver of ineligibility has been made to the Secretary); and (ii) a list of names and addresses of all nonpublic schools or school systems (or any person or organization controlling, operating, or intending to establish such a school or school system) to which the applicant has transferred (directly or indirectly, by gift, lease, loan, sale, or any other means) any real or personal property or made available any services since June 23, 1972.

(2) (i) An assurance that the applicant has not had or maintained in effect prior to the date of its application for assistance under the Act, and will not have or maintain in effect subsequent to such date, any practice, policy, or procedure with respect to minority group personnel in violation of § 185.43(b) (or that if such a violation has occurred, application for a waiver of ineligibility has been made to the Secretary); and (ii) a statement of the number of principals, full-time classroom teachers, and athletics head coaches, by race, for the academic year immediately preceding (*a*) the year in which the applicant first implemented any portion of a plan for desegregation or for elimination or reduction of minority group isolation in its schools pursuant to an order of a Federal or State court or administrative agency, or (*b*) the year in which the applicant first implemented any portion of a plan described in subpart B of this part, whichever is earlier, and of the number of athletics head coaches, by race, as of the date of its application;

(3) (i) An assurance that the applicant has not had or maintained in effect prior to the date of its application for assistance under the Act, and will not have or maintain in effect subsequent to such date, any procedure for assignment of children to classes in violation of § 185.43(c) (or that if such a violation has occurred, application for a waiver of ineligibility has been made to the Secretary); and (ii) a statement of the total number of children assigned by the applicant as of the date of the application to all-minority or all-nonminority classes for more than 25 percent of the school day classroom periods, with an educational justification or explanation for any such assignments;

(4) (i) An assurance that the applicant has not had or maintained in effect prior to the date of its application for assistance under the Act, and will not have or maintain in effect subsequent to such date, any practice, policy, or procedure which results in discrimination against children in violation of § 185.43(d) (or that if such violation has occurred, application for a waiver of ineligibility has been made to the Secretary); (ii) a statement of the enrollment, by race, in classes maintained by the applicant as of the date of its application for the mentally retarded or for children with other learning disabilities; (iii) a statement of the number and percentage of students enrolled in the first grade of the applicant's schools as of the date of its application whose primary home language is other than English; (iv) if the number of children listed pursuant to subdivision (iii) of this subparagraph is greater than 100, or the percentage listed pursuant thereto is greater than 5 percent, a statement of the averages of the most recent standardized reading achievement scores, by race or ethnic group, for students enrolled in the third and sixth grades of the applicant's schools (or the nearest grades for which such scores are available) as of the date of its application; and

(5) An assurance that the applicant will carry out and comply with the terms of the agreement upon which its waiver of ineligibility (if any) by the Secretary is based.

(Public Law 92-318, section 706(d))

(m) *Compliance with applicable laws.* An assurance that the applicant is familiar with, and will comply with the provisions of, all applicable regulations, grant or contract terms, conditions and requirements; and

(n) *Transportation.* An assurance that no funds made available under the Act will be used for the transportation of students or teachers (or for the purchase

of equipment for such transportation) in order to overcome racial imbalance or to carry out a plan for racial desegregation, when the time or distance of travel is so great as to risk the health of the children involved or significantly impinge on the educational process of such children, or where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

(Public Law 92-318, section 802(a))

§ 185.14 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance by local educational agencies under this subpart, the Assistant Secretary shall apply the following objective criteria (90 points):

(1) The need for such assistance, as indicated by the number and percentage of minority group children enrolled in the schools of such agency for the fiscal year or years for which assistance is sought, as compared to other school districts in the State (30 points); and

(2) The effective net reduction in minority group isolation (in terms of the number and percentage of children affected), in all the schools operated by such agency accomplished or to be accomplished by the implementation of a plan or project described in § 185.11 and the program, project, or activity to be assisted (60 points). The term "effective net reduction in minority group isolation," for purposes of this subparagraph, means (i) the weighted net change effected or to be effected by such plan or project in the number of minority group children enrolled in minority group isolated schools operated by such agency, and (ii) the weighted net total of minority group children placed or to be placed as a result of such plan or project in a school in which the proportion of minority group children has been reduced (but remains greater than 50 percent). Minority group children placed as a result of such plan or project in schools in which the proportion of minority group children has been increased (and is greater than 50 percent) shall be counted against the reduction credited to such agency under this subparagraph. Such effective net reduction shall be computed between the fiscal year (or relevant portion thereof) immediately preceding implementation of such plan or project and the first fiscal year (or relevant portion thereof) for which assistance is sought under the Act.

(Public Law 92-318, sections 710(c)(1), (2) and (3))

(b) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational and programmatic merits of applications for assistance by local educational agencies under this subpart on the basis of the following criteria (45 points):

(1) *Needs assessment (6 points).* (i) The magnitude of needs assessed by the applicant in relation to desegregation, elimination, reduction, or prevention of minority group isolation, or the educational disadvantages of such isolation, and (ii) the degree to which the applicant has demonstrated, by standardized achievement test data or other objective evidence, the existence of such needs.

(2) *Statement of objectives (6 points).* (i) The degree to which the applicant sets out specific measurable objectives for its program, project, or activity, in relation to the needs identified; and

(ii) The degree to which (*a*) the program, project, or activity to be assisted promises realistically to address the needs identified in the application, and (*b*) such program, project, or activity involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(3) *Activities (21 points)*—(i) *Project design (11 points).* The extent to which (*a*) the proposed services are concentrated upon a group of participants which is sufficiently limited and specific to give promise of measurable growth for each participant; (*b*) such services are sufficiently intensive to give promise of such growth; (*c*) the proposed program, project, or activity emphasizes individualized instruction and services; (*d*) students to be served are afforded an opportunity to contribute to, and suggest changes in, the proposed program, project, or activity; and (*e*) the proposed program, project, or activity promotes interracial and intercultural understanding.

(ii) *Staffing (3 points).* The extent to which the application (*a*) sets out an adequate staffing plan which includes provisions for making maximum use of present staff capabilities, and (*b*) provides for continuing training of staff in order to increase the effectiveness of the proposed program, project, or activity.

(iii) *Delivery of services (3 points).* The extent to which the proposed program or project sets out a plan for meeting the logistical requirements of the proposed activities, including a description of adequate and conveniently available facilities and equipment; and

(iv) *Parent and community involvement (4 points).* The extent to which the application (*a*) delineates specific opportunities for community and advisory committee participation in the development and implementation of the proposed program, project, or activity in addition to those required by § 185.41, and (*b*) includes evidence that such participation has been encouraged and has in fact occurred.

(4) *Resource management (6 points).* The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude in relation to the number of participants to be served to give substantial promise of achieving the stated objectives; (ii) the costs of project components are reasonable in relation to the expected benefits; (iii) the proposed project will be coordinated with existing efforts; and (iv) all possible efforts have been made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed program, project, or activity.

(5) *Evaluation (6 points).* The extent to which the application sets out a format for objective, quantifiable measurement of the success of the proposed program, project, or activity in achieving the stated objectives, including (i) a timetable for compilation of data for evaluation and a method of reviewing the program, project, or activity in the light of such data; (ii) a description of instruments to be used for evaluation of the proposed program, project, or activity (and of the method for validating such instruments where necessary), or a description of the procedure to be employed in selecting such instruments; and (iii) provisions for comparison of evaluation results with norms, control group performance, results of other programs, or other external standards.

(6) In making the determinations required under this paragraph, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of education and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(Public Law 92-318, sections 702(b), 710(a)(11), 710(c)(1), (2), (4), and (6))

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance under this subpart, the Assistant Secretary shall apply the following criteria:

(1) The additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed program, project, or activity, as compared to other applicants in the State; and

(2) The amount of funds available for assistance in the State under the Act in relation to the other applications from the State pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth a program, project, or activity of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this subparagraph, the Assistant Secretary shall award funds to applicants from a State (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section until the sums allotted to such State for the purposes of this subpart have been exhausted.

(Public Law 92-318, sections 705(a)(1), 705(b)(3), 706(b), 710(c)(5))

§§ 185.15–185.20 [Reserved]

Subpart C—Pilot Projects

§ 185.21 Eligibility for assistance.

(a) A local educational agency which is eligible for assistance under § 185.11(a) or (b) may apply for assistance by

grant or contract for funds reserved pursuant to § 185.95(c), for unusually promising and innovative pilot programs or projects specially designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools, if the number of minority group children enrolled in the schools of such agency for the fiscal year preceding the fiscal year for which assistance is to be provided (1) is at least 15,000, or (2) constitutes more than 50 percent of the total number of children enrolled in such schools.

(Public Law 92-318, sections 705(a)(2), 706(b))

(b) A local educational agency shall be considered eligible for assistance under this subpart if it is implementing or operating under a plan described in § 185.11 (a) or (b), regardless of whether it applies for or receives assistance under § 185.11 (a) or (b).

(Public Law 92-318, section 706(b))

§ 185.22 Authorized activities.

(a) Assistance under this subpart shall be made available to carry out the authorized activities described in § 185.12 with respect to the children or schools to be served by the proposed program, project, or activity.

(Public Law 92-318, sections 706(b), 707(b))

(b) Activities to be assisted under this subpart shall be directed toward improving the academic achievement of children in minority group isolated schools, particularly in the basic areas of reading and mathematics. In general, such activities should bear directly upon classroom performance, through remedial services; the provision of additional, specially trained professional or other staff members; recruiting, hiring, and training of teacher aides; and development and use of new curricula and instructional methods, practices, and techniques (and acquisition of related instructional materials); however, the Assistant Secretary shall consider other, indirect approaches which offer unusual promise in overcoming the adverse effects of minority group isolation.

(Public Law 92-318, sections 706(b), 707(b))

(c) The provisions of § 185.12 (b), (c), and (d) shall apply to assistance made available under this subpart.

(Public Law 92-318, sections 706(b), 707)

§ 185.23 Applications.

Applications for assistance under this subpart shall comply with the provisions of § 185.13.

(Public Law 92-318, section 710(a))

§ 185.24 Criteria for assistance.

(a) In approving applications for assistance under this subpart, the Assistant Secretary shall apply the objective criteria set out in § 185.14(a), except that a maximum of 30 points shall be awarded to any applicant under § 185.14(a)(2).

(Public Law 92-318, sections 706(b), 710(c)(1), (2), and (3))

(b) The Assistant Secretary shall determine the educational and programmatic merits of applications for assistance under this subpart on the basis of the criteria set out in § 185.14(b), except that the Assistant Secretary shall also determine the replicability of the proposed program, project, or activity on the basis of the following considerations (8 points):

(1) The extent to which the application demonstrates special thoroughness and specificity in the areas of needs assessment and evaluation design;

(2) The extent to which the applicant proposes (i) to extend some or all of the activities to be carried out under the program, project, or activity to be assisted to schools operated by the local educational agency which are not included in such program, project, or activity; and (ii) to provide opportunities for interested parties to observe the program, project, or activity, inspect project materials, equipment, and facilities, and interview staff members of such agency responsible for design and implementation of the program, project, or activity;

(3) The extent to which the application provides for effective collection and organization of information on the educational results of the proposed program, project, or activity; and

(4) The extent (i) to which the proposed program, project, or activity includes activities of modest to average cost, and (ii) to which secondary operating costs and one-time developmental costs are clearly and separately identified in the application, regardless of whether assistance is requested to cover such costs.

(Public Law 92-318, sections 706(b), 710(c)(1), 710(c)(4).)

(c) In determining the amounts to be awarded to local educational agencies for assistance under this subpart, the Assistant Secretary shall apply the criterial set out in § 185.14(c).

(Public Law 92-318, sections 705(a)(2), 705(b)(3), 706(b), 710(c)(5))

§§ 185.25–185.30 [Reserved]

Subpart D—Metropolitan Area Projects

§§ 185.31–185.40 [Reserved]

Subpart E—General Requirements for Educational Agencies

§ 185.41 Advisory committees.

(a) *Consultation with advisory committee.* A local educational agency shall, prior to submission of an application for assistance under subpart B, C, D, F, H, or J of this part, consult with a districtwide advisory committee formed in accordance with paragraph (c) of this section in identifying problems and assessing the needs to be addressed by such application. Such agency shall afford such committee a reasonable opportunity (not less than 10 days) in which to review and comment upon such application, and shall establish such committee at least 5 days prior to the commencement of such review period. In connection with the establishment of such committee, the applicant shall furnish to each member of such committee a copy of the Act and this regulation.

(Public Law 92-318, section 710(a)(2)(B))

(b) *Public hearing.* Prior to submission of an application under subpart B, C, D, F, H, or J of this part, such agency shall hold at least one open, public hearing with parents, teachers, and (in any school district where a proposed program, project, or activity will affect the secondary school(s)) secondary school students, including but not limited to the members of a committee formed in accordance with paragraph (c) of this section, at which hearing such persons are afforded a full opportunity to understand the program, project, or activity for which assistance is being sought and to offer recommendations thereon. Such hearing shall be held no less than 7 days prior to submission of an application under the Act, and shall be advertised in a newspaper of general circulation or otherwise made public not less than 5 days prior to the date of such hearing. Evidence of such publication and a copy of the minutes of the hearing required by this subparagraph shall be submitted with such agency's application for assistance. At a minimum, such minutes shall include a statement of the date, time, and location of such hearings, the number of persons in attendance, and a brief summary (not a verbatim transcript) of the views expressed at such hearing.

(Public Law 92-318, section 710(a)(2)(A))

(c) *Composition of committee.* (1) In order to establish a districtwide advisory committee as required by this section, a local educational agency shall designate at least five civic or community organizations, each of which shall select a member of the committee. The civic or community organizations which participate in the selection process shall, when taken together rather than considered individually, be broadly representative of the minority and nonminority communities to be served by the proposed program, project, or activity.

(2) Such agency shall, after consultation with the appropriate teachers' organization(s), either (i) designate one nonminority group classroom teacher and one such teacher from each minority group substantially represented on the faculty or in the student body, of such agency to serve as members of the districtwide advisory committee, or (ii) delegate the designation of such teachers to such organization.

(3) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and members from each minority group substantially represented in the community. (For example, in a school district containing both Negro and Spanish-surnamed communities, the

committee shall be composed of equal numbers of Negro, Spanish-surnamed American, and nonminority group members.) At least 50 per centum of the members of the committee shall be parents of children directly affected by a plan described in § 185.11 or a program, project, or activity described in subpart C, D, or H of this part. In addition to members appointed pursuant to subparagraphs (1) and (2) of this paragraph, and taking into account the students to be appointed pursuant to subparagraph (4) of this paragraph, such agency shall select the minimum number of additional persons as may be necessary to meet the requirements of this subparagraph. (For example, if in a biracial community the civic or community organizations designate three minority group members and two nonminority group members, three of whom are parents; and two teachers who are not parents are also selected, and two students are to be selected pursuant to subparagraph (4) of this paragraph, the agency must select two nonminority parents and one minority parent to complete the committee.)

(4) Committee members appointed pursuant to subparagraphs (1), (2), and (3) of this paragraph shall select at least one nonminority group secondary school student and an equal number of such students from each minority group substantially represented in the community to serve as members of the districtwide advisory committee. Such students shall be regularly enrolled in a secondary school or schools operated by the local educational agency.

(5) A committee which has been formed pursuant to an order of a Federal or State court for the desegregation of the school system of such agency may be designated as the districtwide advisory committee required by this section, provided that the requirements of subparagraphs (2), (3), and (4) of this paragraph are observed.

(Public Law 92-318, section 710(a)(2)(B))

(d) *Comments by committee; hearings.* No application by a local educational agency for assistance under subpart B, C, D, or H of this part shall be approved which is not accompanied by the written comments of a committee formed in accordance with paragraph (c) of this section. If a majority of the members of such committee requests an informal hearing with the Assistant Secretary with respect to such application, an opportunity for such a hearing shall be afforded to such committee prior to approval of such application. The Assistant Secretary or his designee shall hold such hearing in or near the school district served by such agency, and in no case at a greater distance from such school district than the appropriate Regional Office of the Department. The affected local educational agency shall be afforded an opportunity to respond to the comments or criticisms offered by the committee. The Assistant Secretary or his designee shall communicate his findings as to the matters presented by such committee at such hearing, and his action or decision on the basis of such findings, to the committee and the affected local educational agency, in writing, prior to approval of such agency's application for assistance.

(Public Law 92-318, section 710(b))

(e) *Post-award consultation.* Each application by a local educational agency for assistance under the Act shall contain an assurance that such agency will consult at least once a month with its districtwide advisory committee established under this section (in formal meetings of such committee) with respect to policy matters arising in the administration and operation of any program, project, or activity for which funds are made available under the Act, and that it will provide such committee with a reasonable opportunity to periodically observe (upon prior and adequate notice to such agency at such time or times as such committee and agency may agree) and comment upon all project-related activities. (Such consultation shall not be required in the event that the local educational agency is not awarded assistance under the Act.) Each such formal meeting shall be open to the public, and shall be advertised in a newspaper of general circulation or otherwise made public not less than 5 days prior to the date of such meeting.

(Public Law 92-318, section 710(a)(3))

(f) *Publication.* The names of the members of the districtwide advisory committee established in accordance with paragraph (c) of this section, and a statement of the purpose of such committee, shall be published in a newspaper of general circulation or otherwise made public not less than 5 days prior to the public hearing required by paragraph (b) of this section. Evidence of such publication shall be submitted with the local educational agency's application for assistance.

(Public Law 92-318, sections 710(a)(2) and (3))

(g) *Comments and suggestions by committee.* No amendment to the program, project, or activity of a local educational agency shall be approved, and no additional funds made available under the Act, unless the districtwide advisory committee has been consulted and involved in the development of, and has been given an opportunity to comment upon, such amendment of or addition to the program, project, or activity. Such comments shall be included with any application submitted by such agency for such amendment or additions. Amendments or additions suggested by the districtwide advisory committee shall be forwarded by the local education agency, with or without comment by such agency, to the Assistant Secretary for his consideration.

(Public Law 92-318, section 710(a)(3))

(h) *Student advisory committees.* (1) The local educational agency shall, not more than 15 days after approval of an application for assistance under the Act, or not more than 15 days after commencement of the first academic year for which such assistance is awarded, whichever is later, establish in accordance with subparagraph (2) of this paragraph a student advisory committee of secondary school students at each school which will be affected by any program, project, or activity assisted under the Act and which offers secondary instruction.

(2) Each such committee shall be composed of equal numbers of nonminority group secondary students and of such students from each minority group substantially represented in each such school. The members of each such committee shall be selected by the student body or the student government of such school. Each such committee shall have at least six members.

(3) The application of such agency shall contain an assurance that representatives of the agency will periodically consult with student advisory committees established pursuant to this paragraph concerning matters relevant to the program, project, or activity, and that copies of the Act and this regulation and the agency's approved project proposal will be supplied to all members of such committees.

(4) Not more than 30 days after the award of assistance under the Act (or after commencement of the first academic year for which such assistance is awarded, whichever is later), such agency shall afford the members of its student advisory committees (or at least one representative from each of such committees) an opportunity to select at least one nonminority group secondary student and an equal number of such students from each minority group substantially represented in the community, to serve as members of the district-wide advisory committee, in addition to those students selected pursuant to paragraph (c)(4) of this section. (Such agency shall select the minimum additional number of parents as may be necessary to meet the requirement of paragraph (c)(3) of this section.)

(5) The names of the members of such committees, a statement of the purpose of such committees, and the names of additional members of the districtwide advisory committee selected pursuant to subparagraph (4) of this paragraph shall be published in a newspaper of general circulation or otherwise made public not more than 10 days after their selection. The names of the members of committees formed pursuant to this paragraph and evidence of such publication shall be submitted to the Assistant Secretary not more than 20 days after the date required pursuant to subparagraph (4) of this paragraph for selection of such additional members.

(Public Law 92-318, sections 710(a)(2)(B), 710(a)(3))

§ 185.42 Participation by children enrolled in nonpublic schools.

(a) *Assurances.* Applications by local educational agencies for assistance under

Subpart B, C, F, or J of this part shall contain:

(1) In the case of project activities primarily directed to minority group children, an assurance that to the extent consistent with the number of minority group children who are enrolled in nonpublic nonprofit elementary and secondary schools in the area to be served (which are operated in a manner free from discrimination on the basis of race, color, or national origin, and which do not serve as alternatives for children seeking to avoid attendance in desegregated or integrated public schools), the participation of which children would assist in achieving the purposes of the Act, the applicant (after consultation with the appropriate nonpublic school officials) has made provision for the participation of such children on an equitable basis; and

(2) In the case of project activities directed to minority and nonminority group children, teachers, and other educational staff, an assurance that to the extent consistent with the number of children, teachers, and other educational staff enrolled or employed in nonpublic nonprofit elementary and secondary schools within the school district of the applicant (which are operated in a manner free from discrimination on the basis of race, color, or national origin, and which do not serve as alternatives for children seeking to avoid attendance in desegregated or integrated public schools), the participation of which children, teachers, and other educational staff would assist in achieving the purposes of the Act or, in the case of an application under subpart F of this part, would assist in meeting the needs described in that subpart, the applicant (after consultation with the appropriate nonpublic school officials) has made provision for the participation of such children, teachers, and other educational staff on an equitable basis.

(Public Law 92-318, section 710(a)(12))

(b) *Definitions.* (1) "Area to be served," for purposes of paragraph (a)(1) of this section, means the general geographical area in which the program, project, or activity assisted under subpart B, C, F, or J of this part is to be conducted, and may include the entire school district of the local educational agency. The area to be served shall be determined on the basis of the activities proposed to be undertaken by the local educational agency, the need for such activities in nonpublic schools serving the school district of such agency, and the appropriateness of participation by children, teachers, and other educational staff enrolled in or employed by such nonpublic schools.

(2) "An equitable basis" for participation of nonpublic schoolchildren, teachers, and other educational staff, for purposes of paragraph (a) of this section, means that the special needs of such children, teachers, and other educational staff shall be served to the same extent that special needs are served with respect to children, teachers, and other educational staff enrolled in or employed by the local educational agency.

(Public Law 92-318, section 710(a)(12))

(c) *Exclusion of discriminatory nonpublic schools.* No child, teacher, or other educational staff member shall participate in any activity assisted under the Act if such child, teacher, or other educational staff member is enrolled in or employed by a nonpublic school which is operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated or integrated public schools, or otherwise practices, or permits to be practiced, discrimination on the basis of race, color, or national origin in admissions or the operation of any school activity. Determinations required under this paragraph shall be made in accordance with § 185.43(a).

(Public Law 92-318, section 702(b), 706(d)(1), 710(a)(12))

(d) *Applicability.* (1) The participation of children, teachers, or other educational staff enrolled in or employed by a nonpublic school shall be considered to assist in achieving the purposes of the Act if such nonpublic school is attended by a significant number or percentage of minority and nonminority group children, or is implementing a plan to desegregate or reduce minority group isolation in its student body and faculty to a significant extent, or is part of a nonpublic school system implementing a plan to desegregate or to eliminate or reduce minority group isolation in one or more schools and is significantly affected by such plan.

(2) The participation of children, teachers, or other educational staff enrolled in or employed by a nonpublic school shall be considered to assist in meeting the needs described in subpart F of this part if such school is attended by a significant number or percentage of minority group children who are from an environment in which a dominant language is other than English and who, because of language barriers and cultural differences, do not have equality of educational opportunity.

(Public Law 92-318, sections 702(b), 706(d)(1), 708(c)(1), 710(a)(12))

(e) *Assessment of needs.* The special needs of children, teachers, and other educational staff enrolled in or employed by nonpublic schools, the number of such children, teachers, and staff who will participate in activities assisted under the Act, and the types of special services to be provided for them, shall be determined, after consultation with officials of such schools and other persons knowledgeable of the needs of such children, teachers, and other educational staff, on a basis comparable to that used in providing for the participation in activities assisted under the Act by children, teachers, and other educational staff enrolled in or employed by schools operated by the local educational agency.

(Public Law 92-318, section 710(a)(12))

(f) *Information required.* An application by a local educational agency for assistance under the Act shall show the number of children, teachers, and other educational staff enrolled in or employed by nonpublic schools who are expected to participate in the program, project, or activity described therein, and the degree and manner of their expected participation. For each nonpublic school which enrolls such children or employs such teachers and other educational staff, the application shall show the total enrollment of such school, by race, and the racial composition of the faculty and staff. Such application shall also describe the manner in which and extent to which representatives of such nonpublic schools, and persons knowledgeable of the needs of the children, teachers, and other educational staff enrolled in or employed by such schools have participated in the development of the application, and the provisions which have been made for effective liaison with such representatives or persons with regard to operation and review of the proposed program, project, or activity.

(Public Law 92-318, sections 706(d)(1)(A), 710(a)(12))

(g) *Joint participation.* Programs, projects, or activities assisted under the Act may be carried out at such locations as will efficiently and conveniently serve the children, teachers, and other educational staff of the affected public and nonpublic schools. Any project involving a joint participation of children, teachers, and other educational staff enrolled in or employed by public and nonpublic schools shall include such provisions as are necessary to prevent separation of such children ,teachers, and other educational staff by school or religious affiliation in any class or other project unit.

(Public Law 92-318, section 710(a)(12))

(h) *Activities on nonpublic school premises.* Public school personnel may be made available in other than public school facilities to the extent necessary to provide special services for those children, teachers, or other educational staff for whose needs such special services were designed, when such services are not normally provided by the nonpublic school. The applicant shall maintain administrative direction and control over such services. Mobile or portable equipment may be used on nonpublic school premises only for such time within the project period as is necessary for the successful participation in such program, project, or activity by children, teachers, and other educational staff enrolled in or employed by such nonpublic schools. Provisions for special services for children, teachers, and other educational staff enrolled in or employed by nonpublic schools shall not include the payment of salaries for teachers or other employees of nonpublic schools (except for services performed after school hours when such teachers or other employees are not under the direction and control of such schools), nor shall they include the use of equipment other than mobile or port-

able equipment on nonpublic school premises or any contruction, remodeling, or repair of nonpublic school facilities. "Mobile or portable equipment," for purposes of this paragraph, means manufactured items which have an extended useful life and are not consumed in use, and are not permanently fastened to the building or the grounds.

(Public Law 92-318, section 710(a)(12))

(i) *Waiver.* In any case where a local educational agency considers itself to be prohibited by law from providing for the participation of children, teachers, and other educational staff enrolled in or employed by nonpublic schools as required by this section, such agency shall furnish to the Assistant Secretary copies of such laws, rules, court decisions, or opinions of State legal officers as are necessary to set out the basis for such prohibition. Where such prohibition exists, the Assistant Secretary shall waive such requirement with respect to such agency and arrange for the participation of such children, teachers, and other educational staff as provided in sections 712(c) (1) and (2) of the Act.

(Public Law 92-318, sections 712(c) (1) and (2))

(j) *Failure to provide for nonpublic school participation.* If a local educational agency fails to provide for the participation, on an equitable basis, of children, teachers, and other educational staff enrolled in or employed by nonpublic schools in the school district served by such agency on any grounds other than those authorized by paragraph (i) of this section, it shall set out such grounds in its application or upon inquiry by the Assistant Secretary. If the Assistant Secretary determines such grounds to be insubstantial, and if the Assistant Secretary further determines that a local educational agency has substantially failed to provide for the participation, on an equitable basis, of such children, teachers, and other educational staff, he shall arrange for such participation as provided in section 712(c)(3) of the Act.

(Public Law 92-318, section 712(c)(3))

(k) *Informal conference.* Representatives of States, local educational agencies, nonpublic schools, or children, teachers, and other educational staff enrolled in or employed by nonpublic schools whose interests are directly affected by a determination made under this section may request an informal conference with the Assistant Secretary to show cause why such determination should be reviewed or revised. The Assistant Secretary or his designee shall hold such a conference within 15 days of receipt of such a request.

(Public Law 92-318, sections 710(a)(12) and 712(c))

§ 185.43 Limitations on eligibility.

(a) *Transfers to discriminatory nonpublic schools.* No educational agency shall be eligible for assistance under the Act if, after June 23, 1972, it has transferred (directly or indirectly by gift, lease, loan, sale, or any other means) any real or personal property, or made available any services, to a nonpublic school or school system (or any person or organization controlling, operating, or intending to establish such a school or school system) without a prior determination that such nonpublic school or school system is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated or integrated public schools, and that such nonpublic school or school system does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in admissions or in the operation of any school activity.

(1) Subsequent to the effective date of this section, in order to determine whether a transferee under this paragraph is a nonpublic school or school system, or a person or organization controlling, operating or intending to establish such a school or school system, an educational agency shall, at a minimum, obtain from such transferee, in writing, the following information:

(i) The legal name and address of the transferee and, if the immediate transferee is acting in a representative capacity, the legal name and address of his or its principal; and if such information does not clearly indicate the nature of the transferee or his or its principal, a copy of the articles of incorporation, charter, bylaws, or other documents indicating the legal status and stated purposes of the transferee or his or its principal; and

(ii) A statement of the use to be made of the property or services to be transferred.

(iii) In the case of a transfer occurring subsequent to June 23, 1972, but prior to the effective date of this section, a determination required by this subparagraph shall be substantiated by credible evidence satisfactory to the Assistant Secretary.

(2) Subsequent to the effective date of this section, in making the prior determination required under this paragraph as to the nature and practices of a nonpublic school or school system, an educational agency shall, at a minimum, obtain from such school or school system, in writing, the following information:

(i) Whether the school has publicized a policy of nondiscrimination in admissions, educational policies, scholarship programs, athletics, and extracurricular activities;

(ii) Whether the school has publicized this policy in a manner intended and reasonably likely to bring into the attention of school-age minority group persons, and their families, without making other statements or taking actions that negate the effect of such publicity;

(iii) Whether applicants for admission have been treated on a nondiscriminatory basis, and whether the racial composition of faculty, staff and student body is consistent with a policy of nondiscrimination;

(iv) Whether scholarship assistance is made available without regard to race, and whether students and scholarship recipients are recruited among all segments of the community; and

(v) Whether the school's incorporators, founders, board members, or donors of its land or buildings are announced or generally known as having as a primary objective the maintenance of segregated education, or are announced or identified as officers or active members of an organization with such an objective.

(vi) In the case of a transfer occurring subsequent to June 23, 1972, but prior to the effective date of this section, a determination required to be made by this subparagraph shall be substantiated by credible evidence satisfactory to the Assistant Secretary.

(3) For purposes of subparagraph (2) (iii) of this paragraph, a nonpublic school which has no minority students, or a nonpublic school system which has no minority students in one or more of its schools, shall be presumed to discriminate. If such a nonpublic school or school system has also failed to adopt and publish a policy of nondiscrimination in accordance with subparagraphs (2) (i) and (2) (ii) of this paragraph, the presumption of discrimination shall be conclusive.

(4) The fact that a local educational agency may have obtained an assurance or statement of nondiscrimination from a transferee, or included such assurance or statement in the transfer documents, shall not excuse such agency from making the determination required by this paragraph.

(Public Law 92-318, section 706(d)(1)(A); Green v. Connally, 330 F. Supp. 1150 (D.C. D.C. 1971), aff'd sub nom. Coit v. Green, 404 U.S. 997 (1971); Wright v. City of Brighton, Alabama, 441 F. 2d 447 (5th Cir. 1971), cert. den. 404 U.S. 915 (1971))

(b) *Demotion or dismissal of minority group personnel.* (1) No educational agency shall be eligible for assistance under the Act if, after June 23, 1972, it has had or maintained in effect any practice, policy, or procedure which results in the disproportionate demotion or dismissal of instructional, administrative, or other personnel from minority groups in conjunction with desegregation or the implementation of any plan or the conduct of any activity described in section 706 of the Act, or which has resulted in the disproportionate demotion or dismissal of such personnel during the period in which such educational agency has been desegregating (or eliminating or reducing isolation of minority group children) pursuant to an order of a Federal or State court, a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964, or an order of a State agency or official of competent jurisdiction.

(i) For purposes of this subparagraph, a disproportionate demotion or dismissal of minority group personnel has occurred if the ratio of minority group elementary school teachers, secondary school teachers, principals, or other staff demoted or dismissed to the number of such minority group personnel employed by such agency before such demotions or dis-

missals exceeds by more than 10 percentage points the ratio of such nonminority group personnel so demoted or dismissed over the same period of time to the number of such nonminority group personnel employed by such agency prior to such demotions or dismissals. (For example, such an agency would be in violation of this subparagraph if it has demoted or dismissed 21 percent of its minority group principals and 10 percent of its nonminority group principals over the same period of time.)

(ii) For purposes of this paragraph, a demotion includes any reassignment (*a*) under which a faculty or staff member receives less pay or has less responsibility than under the assignment he held prior to such reassignment, (*b*) which requires a lesser degree of skill than did the assignment he held previously, or (*c*) under which he is required to teach in a subject or grade other than one for which he is certified or in which he has substantial experience or qualifications.

(iii) For purposes of this paragraph, a dismissal includes any termination of or failure to renew a contract, for cause or otherwise, including resignations impelled by threatened administrative or other sanctions.

(2) No educational agency shall be eligible for assistance under the Act if, after June 23, 1972, it has had or maintained in effect any other practice, policy, or procedure which results in discrimination on the basis of race, color, or national origin in the recruiting, hiring, promotion, payment, demotion, dismissal, or assignment of any of its employees (or other personnel for which such agency has any administrative responsibility), including the assignment of full-time classroom teachers to the schools of such agency in such a manner as to identify any of such schools as intended for students of a particular race, color, or national origin.

(3) (i) A practice, policy, or procedure resulting in the disproportionate demotion or dismissal of minority group personnel shall be considered to be or remain in effect after June 23, 1972, if at the time such agency applies for assistance under the Act, the proportion of minority group elementary schoolteachers, secondary schoolteachers, principals, or other staff affected by such demotions or dismissals has not been restored at least to the proportion which existed prior to such demotions or dismissals, unless such an agency which has had or maintained in effect such a practice, policy, or procedure submits with its application for assistance information establishing that such a practice, policy, or procedure has not been in effect since June 23, 1972, as demonstrated by corrective measures taken and progress achieved in eliminating the results of such a practice, policy, or procedure.

(ii) A demotion or dismissal shall be considered to be discriminatory if the staff member demoted or dismissed has not been selected on the basis of objective, nonracial, reasonable, and nondiscriminatory criteria applied to staff members of all racial or ethnic groups. A discriminatory practice, policy, or procedure shall be considered to be or remain in effect after June 23, 1972, if, at the time such agency applies for assistance under the Act, any staff member so demoted or dismissed has not been offered reinstatement to his former position and offered pecuniary compensation for any loss incurred as a result of such demotion or dismissal, or if any staff vacancy occurring subsequent to any demotion or dismissal in the process of desegregation is or has been filled through hiring of a person of a different race, color, or national origin before a qualified staff member so demoted or dismissed has been offered employment in such vacancy and has failed to accept such an offer.

(Public Law 92-318, section 706(d)(1)(B); Senate Report No. 92-61, p. 19; Singleton v. Jackson Municipal Separate School District, 419 F. 2d 1211 (5th Cir. 1969))

(c) *Classroom segregation.* No educational agency shall be eligible for assistance under the Act if, after June 23, 1972, it has had or maintained in effect any procedure for the assignment of children to or within classes which results in any separation of minority group from nonminority group children for more than 25 percent of the school day classroom periods, in conjunction with desegregation or the conduct of any activity described in section 706 of the Act. This paragraph shall not be construed to prohibit bona fide ability grouping as a standard pedagogical practice. Such grouping is that which is:

(1) Based upon nondiscriminatory, objective standards of measurement which are educationally relevant to the purposes of such grouping and which, in the case of national origin minority group children, do not essentially measure English language skills;

(2) Determined by the nondiscriminatory application of the standards described in subparagraph (1) of this paragraph, and maintained for only such portion of the school day classroom periods as is necessary to achieve the purposes of such grouping;

(3) Designed to meet the special needs of the students in each group determined by the application of the standards described in subparagraph (1) of this paragraph and to improve the academic performance and achievement of students determined to be in the less academically advanced groups, by means of specially developed curricula, specially trained or certified instructional personnel, and periodic retesting to determine academic progress and eligibility for promotion; and

(4) Validated by test scores or other reliable objective evidence indicating the educational benefits of such grouping.

(Public Law 92-318, section 706(d)(1)(C); Senate Report No. 92-61, p. 19)

(d) *Discrimination against children.* No educational agency shall be eligible for assistance under the Act if, after June 23, 1972, it has had or maintained in effect any practice, policy, or procedure which results or has resulted in discrimination against children on the basis of race, color, or national origin, including but not limited to:

(1) Limiting curricular or extracurricular activities (or participation by children therein) in order to avoid the participation of minority group children in such activities;

(2) Denying equality of educational opportunity or otherwise discriminating against national origin minority children on the basis of language or cultural background;

(3) Permitting the rental, use, or enjoyment of any of such agency's facilities or services by any group or organization which discriminates against minority group children aged 5 to 17, inclusive, in its admissions or membership policies, or otherwise practices, or permits to be practiced, discrimination against such children on the basis of race, color, or national origin;

(4) Imposing disciplinary sanctions, including expulsion, suspension, or corporal or other punishment, in a manner which discriminates against minority group children on the basis of race, color, or national origin;

(5) Assigning students to ability groups, tracks, special education classes, classes for the mentally retarded, or other curricular or extracurricular activities on the basis of race, color, or national origin. Racially or ethnically identifiable groups, tracks, or classes which cannot be justified educationally under the criteria set out in paragraph (c) of this section shall be presumed to be assigned on the basis of race, color, or national origin.

(6) Denying comparable facilities or instructional or other services to minority group children enrolled in the schools of such agency on the basis of race, color, or national origin.

(Public Law 92-318, section 706(d)(1)(D))

(e) *Continuing conditions of eligibility.* The limitations on eligibility set forth in this section shall be continuing conditions of eligibility during the entire period for which assistance is made available to an educational agency under the Act, and such agency's failure to comply with such conditions after the award of such assistance shall be grounds for termination of assistance and for such other sanctions as the Assistant Secretary may determine.

(Public Law 92-318, section 706(d)(1); Senate Report No. 92-61, p. 18, 41-42)

§ 185.44 Waiver of ineligibility.

(a) In the event that a local educational agency prior to the award of assistance under the Act is determined to be ineligible for such assistance under § 185.43, such agency may apply to the Secretary for a waiver of such ineligibility.

(Public Law 92-318, sections 706(d)(1)-(3))

(b) An application for waiver under paragraph (a) of this section shall contain such information and assurances

as will insure that any practice, policy, procedure, or other activity resulting in ineligibility has ceased to exist to occur, and shall include such provisions as are necessary to insure that such practice, policy, procedure, or activity will not reoccur after the submission of such application.

(Public Law 92-318, sections 706(d) (1)-(3))

(c) Transfers to discriminatory nonpublic schools: In the case of ineligibility under § 185.43(a), an application for waiver shall contain:

(1) A list of all property transferred or services made available to nonpublic schools or school systems operated on a racially segregated basis or which practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in admissions or the operation of any school activity, the names and addresses of such schools or school systems, and the consideration received for such transfers;

(2) Evidence that all transfers described in subparagraph (1) of this paragraph have been rescinded and all unearned consideration received therefor has been repaid or returned, to the extent possible under the applicable State law; and

(3) A statement of steps taken by such agency to avoid or prevent such transfers in the future.

(Public Law 92-318, sections 706(d) (1)-(3))

(d) Demotion or dismissal of minority group personnel:

(1) In the case of ineligibility under § 185.43(b)(1) of this part resulting from the disproportionate demotion or dismissal of instructional, administrative, or other personnel from minority groups, an application for waiver shall contain:

(i) A plan of affirmative action to insure that within a reasonable time from the date of such application, the proportion of minority group elementary school teachers, secondary school teachers, principals, or other staff affected by such demotions or dismissals will be restored at least to the proportion which existed prior to such demotions or dismissals; and

(ii) A statement of steps taken by such agency to prevent any future disproportionate demotion or dismissal of minority group personnel.

(2) In the case of ineligibility under § 185.43(b)(2) resulting from discriminatory demotion or dismissal of instructional or other personnel from minority groups in the process of desegregation, an application for waiver shall contain:

(i) Evidence that all minority group personnel so demoted or dismissed have been offered reinstatement to their former positions and afforded pecuniary compensation for any loss incurred as a result of such demotions or dismissals, such as diminution in salaries, additional commuting expenses, and the like;

(ii) A plan of affirmative action as required by subdivision (i) of subparagraph (1) of this paragraph; and

(iii) A statement of steps taken by such agency to prevent any future discriminatory demotion or dismissal of minority group personnel, including but not limited to a statement of objective, nonracial, and reasonable criteria to be applied in the event that reinstatement of minority group personnel as required by subdivision (i) of this subparagraph necessitates a reduction in the number of elementary school teachers, secondary school teachers, principals, or other staff, or in the event of future demotions or dismissals for any reason.

(3) In the case of ineligibility resulting from discriminatory assignment of teachers as prohibited by § 185.43(b)(2), such applications for waiver shall contain evidence that such agency has assigned its full-time classroom teachers to its schools so that no school is identified as intended for students of a particular race, color, or national origin. Such nondiscriminatory assignments shall, in the case of a local educational agency implementing a plan described in § 185.11(a), conform to the requirements of such plan with respect to the assignment of faculty. In the case of local educational agencies not implementing such a plan, or implementing such a plan which contains no provision as to assignment of faculty, such assignments shall be made so that the proportion of minority group full-time classroom teachers at each school is between 75 per centum and 125 per centum of the proportion of such minority group teachers which exists on the faculty as a whole, and so that the variations in such proportions which remain on various faculties do not correspond to such variations in the student populations of such schools.

(4) In the case of ineligibility resulting from other discriminatory practices, policies, or procedures prohibited by § 185.43(b)(2), an application for waiver shall contain:

(i) Evidence that minority group personnel subjected to such discrimination have been reinstated or restored to the position or status they held prior to, or would have held in the absence of, such discrimination, and have been afforded pecuniary compensation for any loss incurred as a result of such discrimination, such as diminution in salaries, additional commutation expenses, and the like; and

(ii) A statement of steps taken by such agency to prevent such discrimination in the future.

(5) In the event that the corrective action required under this paragraph includes the employment or promotion of minority group teachers, principals, or other staff, such agency shall give preference in such employment or promotion first to qualified minority group members of its own faculty or staff previously demoted or dismissed for any reason, and secondly to qualified minority group faculty and staff members identified by the Department as previously demoted or dismissed by other local educational agencies in conjunction with desegregation or the conduct of any activity described in section 706 of the Act.

(Public Law 92-318, sections 706(d)(1)-(3); U.S. v. Texas Education Agency (LaVega), No. 71-3135 (5th Cir., Mar. 10, 1972))

(e) Classroom segregation: In the case of ineligibility under § 185.43(c), an application for waiver shall contain:

(1) Evidence that minority group children are not separated from nonminority group children by or within classes for more than 25 percent of the school day classroom periods, except in instances of bona fide ability grouping which meet the requirements of § 185.43(c), where such agency has demonstrated by clear and convincing evidence that such separation is educationally necessary and is the only available method of achieving a specific educational objective; and

(2) A statement of steps taken by such agency to insure that separation of minority and nonminority group children as prohibited by § 185.43(c) will not reoccur in the future.

(Public Law 92-318, sections 706(d)(1)-(3))

(f) Discrimination against children: In the case of ineligibility under § 185.43(d), an application for waiver shall contain evidence that the practice, policy, or procedure prohibited by § 185.43(d) has ceased to exist or occur and that the effects of such practice, policy, or procedure have been remedied or eliminated. In particular:

(1) In the case of a denial of equal educational opportunity to national origin minority children as described in § 185.43(d)(2), such agency shall submit an educational plan of sufficient comprehensiveness to remedy or eliminate the effects of such denial and to meet the special educational needs of all national origin minority group children for whose education such agency is responsible. Such a plan, if required and approved under this subparagraph, shall be implemented regardless of whether funds for such purpose are made available under the Act.

(2) In the case of a violation under § 185.43(d)(3), such agency shall submit evidence that such rental, use, or enjoyment of its facilities is no longer permitted, and that any agreement with respect to such rental, use, or enjoyment has been rescinded and the unearned consideration therefore has been returned or repaid, to the extent possible under the applicable State law.

(3) In the case of assignment of students to classes on the basis of race, color, or national origin as prohibited by § 185.43(d)(5), such agency shall submit evidence that the groups, tracks, or classes resulting from such assignment have been completely eliminated and the students so assigned have been reassigned to classes on a nondiscriminatory basis; or that the students so assigned have been retested, re-evaluated, and, if necessary, reassigned to groups, tracks, or classes which satisfy the requirements of § 185.43(c).

(Public Law 92-318, sections 706(d)(1)-(3))

(g) Access to information and records: Agencies applying for assistance

under the Act or for a waiver under this section shall furnish to the Secretary or the Assistant Secretary such information and such access to their facilities or records as such official may deem necessary for the administration of the Act, or for a determination as to eligibility or as to whether or not a waiver should be granted. Consideration of applications for assistance under this part may be delayed pending submission or collection of such information. Such information may include confidential or other records maintained by such agency on personnel and students, with racial or other identification of such personnel or students, and financial and other records maintained by such agency. Limitations on access to information or records based on considerations of privacy or confidentiality may not operate to bar the Department from evaluating or seeking to enforce compliance with any provision of the Act, this regulation, grant terms or conditions, or other applicable laws. Information of a confidential nature obtained by the Department in connection with compliance evaluation or enforcement shall not be disclosed except where necessary in formal enforcement proceedings or as otherwise required by law. The Assistant Secretary shall not approve an application under this part which requires a waiver by the Secretary unless the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives have been given notice of the intention to grant such a waiver at least 15 days prior to such approval.

(Public Law 92-318, sections 706(d) (2), (3), (5), and (6))

§ 185.45 Termination of assistance.

(a) *Termination and suspension.* (1) Assistance under the Act may be terminated in whole or in part if the Assistant Secretary determines, after affording the recipient reasonable notice and an opportunity for a full and fair hearing, that the recipient has failed to carry out its approved program, project, or activity in accordance with the applicable law and the terms of such assistance, or has otherwise failed to comply with any applicable law, regulation, assurance, term, or condition. Assistance under the Act may be suspended during the pendency of a termination proceeding initiated pursuant to this paragraph: *Provided however,* That the recipient is afforded reasonable notice and opportunity to show cause why such action should not be taken.

(2) Proceedings with respect to the termination of assistance shall be initiated by mailing to the recipient a notice, by certified mail, return receipt requested, informing the recipient of the Government's intent to terminate assistance and of the specific grounds for such termination, together with information regarding the time, place, and nature of the hearing to be afforded the recipient, the legal authority and jurisdiction under which the hearing is to be held, and such other information with respect to the conduct of such proceedings as the Assistant Secretary may determine.

(3) If the Assistant Secretary determines for good cause that suspension of assistance during the pendency of such proceedings is necessary, such notice shall, in addition to the matters described in subparagraph (2) of this paragraph, inform the recipient of such determination and shall offer the recipient an opportunity to show cause why such action should not be taken. Such notice of suspension of assistance shall advise the recipient that any new expenditures or obligations made or incurred in connection with the program, project, or activity assisted during the period of the suspension will not be recognized by the Government in the event such assistance is ultimately terminated. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program, project, or activity, and not in anticipation of suspension or termination, shall not be considered new expenditures.

(4) Termination of assistance shall be effected by the delivery to the recipient of a final order of termination, signed by the Assistant Secretary or his designee, or upon an initial decision of an Administrative Law Judge becoming final without appeal to or review by the Assistant Secretary.

(5) In the event assistance is terminated under this section, financial obligations incurred by the recipient prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended pursuant to subparagraph (1) of this paragraph and no obligations incurred in anticipation of such suspension or termination will be allowed. Within 60 days of the effective date of termination of assistance under this section, the recipient shall furnish to the Assistant Secretary an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the recipient shall remit to the Government any amounts found due.

(6) The procedures and requirements set out in this section shall apply to any assistance made available to any recipient under this part, except assistance awarded pursuant to Subpart I.

(Public Law 92-318, sections 706(d), 710 (a) and (b).)

(b) *Additional sanctions.* In an appropriate case, involving violations of the eligibility limitations set out in § 185.43 arising subsequent to approval of an application for assistance under this part or a failure to comply with the terms of a waiver granted pursuant to § 185.44, the Assistant Secretary shall declare the award of such assistance to be null and void as of the date of such violation or failure, and shall refuse to recognize any obligation incurred after such date or to reimburse the recipient for any costs incurred or expenditures made after such date, regardless of the date of obligation. Such sanctions shall be imposed in accordance with the provisions of this section.

(Public Law 92-318, sections 706(d), 710 (a) and (b); Senate Report No. 92-61, pp. 18, 41-42)

(c) *Proceedings.* (1) If the recipient requests an opportunity to show cause why a suspension of assistance pursuant to paragraph (a)(1) of this section should not be continued or imposed, the Assistant Secretary or his designee shall, within 7 days after receiving such request, hold an informal meeting for such purpose.

(2) Hearings respecting the termination of assistance pursuant to this section shall be conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 554-557). Proposed findings of fact, conclusions of law, and briefs will be submitted to the presiding officer within 20 days of the conclusion of the hearing.

(3) The initial decision of an Administrative Law Judge regarding the termination of assistance under the Act shall become the decision of the Assistant Secretary without further proceedings unless there is an appeal to, or review on motion of, the Assistant Secretary made in writing no later than 15 days after receipt (by the party requesting such appeal or review), of the decision of the Administrative Law Judge. A request for appeal or review under this section shall be accompanied by exceptions to the initial decision, proposed findings, supporting reasons, and briefs. The adverse party shall submit its reply no later than 15 days after its receipt of a copy of such request for appeal or review. The Assistant Secretary shall issue a final decision in the case of such appeal or review no later than 45 days after the final submission of the above materials by the parties. The Assistant Secretary may delegate his functions under this subparagraph to an appellate review council established and appointed by him.

(4) The procedures established by this section shall not preclude the Assistant Secretary from pursuing any other remedies authorized by law. Proceedings pursuant to Part 80 of this title with respect to the eligibility of an applicant for assistance under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) shall be governed by the regulations in that part and Part 81 of this title.

(Public Law 92-318, sections 706(d), 710 (a) and (b))

(d) *Effect of Federal action.* No official agent, or employee of the Department of Health, Education, and Welfare shall have the authority to waive or alter any provision of the Act or this regulation, or other relevant Act or regulation, and no action or failure to act on the part of such official, agent, or employee shall operate in derogation of the Assistant Secretary's enforcement of said provisions in accordance with their terms.

(43 Dec. Comp. Gen. 31 (1963))

§§ 185.46–185.50 [Reserved]

Subpart F—Bilingual Projects

§§ 185.51–185.60 [Reserved]

Subpart G—Public or Nonprofit Private Organizations

§ 185.61 Eligibility for assistance.

(a) *Eligible applicants.* (1) Any public agency, institution, or organization (other than a local educational agency) and any nonprofit private agency, institution, or organization may apply for assistance, by grant or contract, from funds reserved pursuant to § 185.95(d)(1)(i) to carry out programs, projects, or activities designed to support the development or implementation of a plan or project described in § 185.11.

(2) Any such agency, institution, or organization (other than a local educational agency or a nonpublic elementary or secondary school) may apply for such assistance from funds reserved pursuant to § 185.95(d)(1)(ii) to carry out such programs, projects, or activities.

(Public Law 92-318, sections 705(a)(3) and 708(b))

(b) *Nonprofit status.* A nonprofit agency, institution, or organization, for purposes of this section, means any organization owned and operated by one or more corporations or associations no part of whose net earnings may lawfully inure to the benefit of any private shareholder or individual. Any of the following shall be acceptable evidence of nonprofit status:

(1) A reference to the organization's listing in the Internal Revenue Service's most recent cumulative list of organizations described in section 501(c)(3) of the Internal Revenue Code as tax exempt;

(2) A copy of a currently valid Internal Revenue Service tax exemption certificate;

(3) A statement from a State taxing body or the State attorney general certifying that the organization is a nonprofit organization operating within the State and that no part of its net earnings may lawfully inure to the benefit of any private shareholder or individual;

(4) A certified copy of the organization's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the organization; or

(5) Any of the evidence described in subparagraphs (1) through (4) of this paragraph which applies to a State or national parent organization, and a statement by the parent organization that the applicant organization is a local nonprofit affiliate.

(Public Law 92-318, sections 708(b), 720(11); HEW Grants Administration Manual, Chapter 1-00-30)

(c) *Form of organization.* Agencies, institutions, or organizations assisted under this subpart may be any form of legally cognizable entity. Nonprofit corporations are the preferred form of organization.

(Public Law 92-318, section 708(b))

(d) *Relation to local educational agency.* (1) A program, project, or activity designed to support the implementation of a plan or project described in § 185.11 may be assisted under this subpart if the local educational agency with respect to which the applicant proposes to carry out its program, project, or activity is implementing such a plan or project, regardless of whether such local educational agency applies for or receives assistance under the Act.

(2) A program, project, or activity designed to support the development of a plan or project described in § 185.11 may be assisted under this subpart without regard to whether the local educational agency with respect to which the applicant proposes to carry out its program, project, or activity applies for or receives assistance under the Act: *Provided, however,* That such local educational agency has requested such support in the development of such a plan or project.

(Public Law 92-318, section 708(b))

§ 185.62 Authorized activities.

Financial assistance under this subpart shall be available for programs or projects which would not otherwise be funded and which involve activities designed to support the development or implementation of a plan or project described in § 185.11 and to carry out the purposes described in § 185.01. Such programs or projects shall include one or more of the following activities:

(a) Supplemental remedial services beyond those provided by the local educational agency, including student to student tutoring, to meet the special needs of children (including gifted or talented children) in schools which are affected by a plan or project described in § 185.11, when such services are necessary to the success of such plan or project;

(b) Educational programs beyond those offered by the local educational agency for career orientation;

(c) Innovative interracial educational enrichment programs or projects beyond those offered by the local educational agency, involving the joint participation of minority group children and other children attending different schools and, where appropriate, the parents of such children;

(d) Community activities, including public information and parental involvement efforts, regarding matters related to a plan or project described in § 185.11;

(e) Administrative and auxiliary services to facilitate the success of the applicant's program or project, where such services are part of, and in conjunction with, a comprehensive program or project designed to support the development or implementation of a plan or project described in § 185.11;

(f) Programs to prepare preschool or school-age children and, where appropriate, the parents of such children, for the experience of desegregation or of elimination or reduction of minority group isolation in the schools of the local educational agency;

(g) Programs designed to deal with the problems of dropouts, academic failures, and increased suspensions or expulsions resulting from or attendant to the implementation of a plan or project described in § 185.11;

(h) Interracial programs or projects relating to the social and recreational needs of children attending schools affected by a plan or project described in § 185.11;

(i) Cultural enrichment activities which promote interracial and intercultural understanding among children attending schools affected by a plan or project described in § 185.11 and, where appropriate, the parents of such children;

(j) Home-focused projects for the enrichment of the educational atmosphere in the homes of children attending schools affected by a plan or project described in § 185.11, including parent-child home reading projects and school-related family or neighborhood activities;

(k) At the request of a local educational agency, assistance or support in the development of a plan or project described in § 185.11; or

(l) Special programs or projects of exceptional merit or promise which the Assistant Secretary determines will make substantial progress toward achieving the purposes set out in § 185.01.

(Public Law 92-318, section 708(b))

§ 185.63 Applications.

(a) *Basic assurances.* Applications for assistance under this subpart shall comply with the requirements of §§ 185.13(a), 185.13(b), 185.13(c), 185.13(d), 185.13(f), 185.13(h), 185.13(k)(1)(i) and (ii), 185.13(k)(2), and 185.13(m).

(b) *Additional assurances.* Applications for assistance under this subpart shall contain the following additional assurances and information:

(1) A description of the proposed program, project, or activity, and of such policies and procedures as will insure that the applicant will use funds received under the Act only for the activities set forth in § 185.62;

(2) An assurance that funds made available to the applicant under the Act, will be so used (i) as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of funds under the Act, be available from non-Federal sources for the purposes of the program for which assistance is sought; and (ii) in no case, as to supplant such funds from non-Federal sources;

(3) (i) An assurance that the appropriate local educational agency has been given at least 15 days to offer recommendations to the applicant with respect to such application and to submit comments to the Assistant Secretary; (ii) a statement indicating the local official or agency to whom the proposed program, project, or activity has been submitted for such recommendations or comment, and the date of such submission; and (iii) a description of the provisions which

have been made for effective liaison with such agency with regard to operation of the proposed program, project, or activity and coordination of such program, project, or activity with similar or related efforts of such agency. No application for assistance under this subpart shall be approved less than 10 days after a copy of such application has been submitted by the Assistant Secretary to the appropriate State educational agency for comment, unless the Assistant Secretary has received comments from such agency upon such application prior to expiration of the 10-day period.

(4) A statement of (i) the extent to which other public or nonprofit private agencies, institutions, or organizations in the school district affected by a plan or project described in § 185.11 have been consulted in the preparation of the application, and (ii) the provisions which have been made by the applicant for effective liaison with such agencies, institutions, or organizations which have applied for, or received, assistance under the act with regard to coordination of programs, projects, or activities so assisted;

(5) A copy of the charter, articles of incorporation, bylaws, or other legal documents indicating the nature and purpose of the applicant, including evidence of nonprofit status as described in § 185.61(b);

(6) A statement of past activities engaged in by the applicant or its officers or employees in the appropriate school district with respect to such matters as education, human relations, desegregation or reduction of minority group isolation in public elementary or secondary schools, or other community activities or concerns; and

(7) A copy of the plan or project described in § 185.11 with respect to which assistance is sought under this subpart, or a complete description of such plan or project.

(Public Law 92-318, section 708(b))

§ 185.64 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance under this subpart, the Assistant Secretary shall apply the following objective criteria (45 points):

(1) The number and percentage of minority group children enrolled in the schools operated by the local educational agency with respect to which the applicant proposes to carry out its program, project, or activity for the fiscal year or years for which assistance is sought (15 points);

(2) The effective net reduction in minority group isolation (in terms of the number and percentage of children affected), as defined in § 185.14(a)(2), in all the schools operated by such agency accomplished or to be accomplished by the implementation of the plan or project described in § 185.11 with respect to which assistance is sought by the applicant (30 points).

(Public Law 92-318, section 708(b))

(b) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational and programmatic merits of applications for assistance under this subpart on the basis of the following criteria (45 points):

(1) *Needs assessment (6 points).* (i) The degree to which the applicant has cooperated with, or complemented the efforts of, the appropriate local educational agency, in assessing the needs of the community with respect to desegregation or the reduction of minority group isolation; and

(ii) The magnitude of needs assessed by the applicant, and the degree to which the applicant has demonstrated, by objective evidence, the existence of such needs.

(2) *Statement of objectives (6 points).* (i) The degree to which the applicant sets out specific, measurable objectives for its program, project, or activity, in relation to the needs identified; and

(ii) The degree to which (*a*) the program, project, or activity to be assisted affords promise of achieving the objectives specified in the application, and (*b*) such program, project, or activity involves to the fullest extent practicable the total educational and social resources already existing in the community, including those of other public or nonprofit private agencies, organizations, or institutions which are eligible for assistance under the Act.

(3) *Activities (21 points).* (i) *Project design (8 points).* The extent to which the proposed program or project sets out activities clearly related to the needs identified and the stated objectives, which activities (*a*) complement activities being carried out by the local educational agency, under the Act or otherwise; (*b*) represent a cooperative or integrated effort among all the public or nonprofit private agencies, organizations, or institutions in the community; (*c*) present an opportunity for interracial or intercultural involvement of students, parents, and personnel of the appropriate local educational agency; (*d*) promote interracial or intercultural understanding in the community; (*e*) present an opportunity for increased communication between parents and the school system; and (*f*) utilize students' homes as a focal point for program or project operations.

(ii) *Staffing (3 points).* The extent to which (*a*) the proposed program or project sets out a plan to attract and hire qualified staff members and personnel; (*b*) qualified applicants residing in the community to be served are given priority for employment over other applicants; and (*c*) provision is made for adequate training of staff members and other personnel, both salaried and volunteer.

(iii) *Delivery of services (4 points).* The extent to which the proposed program or project (*a*) describes available facilities which are adequate for the performance of the proposed activities and are convenient and accessible to the persons involved in such activities; and (*b*) provides for effective notification of and communication with the intended beneficiaries of proposed activities, events, and services.

(iv) *Parent and community involvement (6 points).* The extent to which the application for assistance (*a*) reflects efforts to include persons broadly representative of the community to be served as members of the advisory committee established pursuant to § 185.65(a), and to utilize the contributions of such persons who are concerned with the problems of education and desegregation or the reduction of minority group isolation; (*b*) delineates specific responsibilities for the advisory committee in addition to those required in § 185.65(d); and (*c*) sets forth procedures for involving parents and residents of the community to the maximum extent possible in all aspects of the proposed program, project, or activity.

(4) *Resource management (6 points).* The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude to give substantial promise of achieving the stated objectives; (ii) the costs of project components are reasonable in relation to the expected benefits; and (iii) all possible efforts have been made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed program, project, or activity.

(5) *Evaluation (6 points).* The extent to which the application sets out a format for objective measurement of the results of the proposed program, project, or activity, including (i) a timetable for compilation of data for evaluation and a method of reviewing the program, project, or activity in the light of such data; (ii) a description of the instruments to be used for evaluation of the proposed program, project, or activity (and of the method for validating such instruments where necessary), or a description of the procedure to be employed in selecting such instruments; and (iii) provisions for comparison of evaluation results with norms, control group performance, results of other programs, or other external standards.

(6) In making the determinations required under this paragraph, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of education and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance under this subpart, the Assistant Secretary shall apply the following criteria:

(1) The additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed program, project, or activity, as compared to other applicants in the State; and

(2) The amount of funds available for assistance in the State under the act, in relation to the other applications from the State pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the act

or this part, or which sets forth a program, project, or activity of such insufficient promise for achieving the purposes of the act that its approval is not warranted. In applying the criterion set out in this subparagraph, the Assistant Secretary shall award funds to applicants from a State (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section until the sums allotted to such State for the purposes of this subpart have been exhausted.

(Public Law 92-318, sections 705(a)(3), 705(b)(3))

(3) No more than 33 percent of the grants or contracts pursuant to this subsum of funds allotted to a State for part shall be awarded to applicants proposing to carry out programs, projects, or activities with respect to the same local educational agency, unless the Assistant Secretary determines that the applications pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(Public Law 92-318, section 708(b))

§ 185.65 Advisory committees.

(a) *Consultation with advisory committee.* An agency, institution, or organization applying for assistance under this subpart shall, prior to submission of such an application, consult with a districtwide advisory committee formed in accordance with paragraph (b) of this section in identifying problems and assessing the needs to be addressed by such application. Such applicant shall afford such committee a reasonable opportunity (not less than 10 days) in which to review and comment upon such application, and shall establish such committee at least 5 days prior to the commencement of such review period. In connection with the establishment of such committee, such applicant shall furnish to each member of such committee a copy of the Act and this regulation.

(Public Law 92-318, section 708(b).)

(b) *Composition of committee.* (1) In order to establish a districtwide advisory committee as required by this section, the applicant shall designate at least five civic or community organizations, each of which shall select a member of the committee. The civic or community organizations which participate in the selection process shall, when taken together rather than considered individually, be broadly representative of the minority and nonminority communities to be served.

(2) The applicant shall invite the appropriate local educational agency to designate as a member of the committee described in this paragraph at least one person who is an administrator, principal, or teacher employed by such agency or a member of the school board of such agency. In addition, if the local educational agency has applied for or received assistance under this part, the applicant shall invite the advisory committee formed by such agency in accordance with § 185.41(c) to designate at least one of its members as a member of the committee described in this paragraph. (An advisory committee established in accordance with § 185.41(c), with the appropriate additions required to conform to the provisions of this paragraph, may be adopted by the applicant as the committee required by this section.)

(3) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and of members from each minority group substantially represented in the community or in the student body of the appropriate local educational agency. At least 50 per centum of the nonstudent members of such committee shall be parents of children directly affected by a plan or project described in § 185.11. In addition to members appointed to the committee by civic or community organizations, and those selected pursuant to subparagraph (2) of this paragraph, the applicant shall select the minimum number of additional persons as may be necessary to meet the requirements of this subparagraph.

(4) In addition to the persons selected by the applicant pursuant to subparagraph (3) of this paragraph, the applicant shall select from the schools of the appropriate local educational agency equal numbers of nonminority group secondary students and of such students from each minority group substantially represented in the community, so that the number of such students so selected will constitute 50 percent of the total membership of such committee.

(Public Law 92-318, section 708(b))

(c) *Comments of committee.* No application for assistance under this subpart shall be approved which is not accompanied by the written comments on a committee formed in accordance with paragraph (b) of this section. No amendment to a program, project, or activity assisted under this subpart shall be approved, and no additional funds made available, unless such committee has been consulted and involved in the development of, and has been given an opportunity to comment upon, such amendment of or addition to such program, project, or activity. Such comments shall be included with any application submitted by such applicant for such amendments or additions.

(Public Law 92-318, section 708(b))

(d) *Post-award consultation.* Each application for assistance under this subpart shall contain an assurance that the applicant will consult at least once a month with its districtwide advisory committee established under this section with respect to policy matters arising in the administration and operation of any program, project, or activity for which funds are made available under this subpart, and that it will provide such committee with a reasonable opportunity to periodically observe and comment upon all project-related activities.

(Public Law 92-318, section 708(b))

(e) *Publication.* The names of the members of the districtwide advisory committee established in accordance with paragraph (b) of this section, and a statement of the purpose of such committee, shall be published in a newspaper of general circulation or otherwise made public prior to submission of an application for assistance under this subpart. Evidence of such publication shall be submitted with such application for assistance.

(Public Law 92-318, section 708(b))

§§ 185.66–185.70 [Reserved]

Subpart H—Educational Television

§§ 185.71–185.80 [Reserved]

Subpart I—Evaluation

§§ 185.81–185.90 [Reserved]

Subpart J—Special Projects

§§ 185.91–185.94 [Reserved]

Subpart K—Reservations

§ 185.95 Reservations of funds.

(a) The Assistant Secretary hereby reserves an amount equal to 5 percent of the sums appropriated under the Act for any fiscal year for the purposes of metropolitan area projects under subpart D of this part.

(Public Law 92-318, sections 704(b)(1), 709)

(b) The Assistant Secretary hereby reserves:

(1) An amount equal to 4 percent of the sums appropriated under the Act for any fiscal year for the purposes of special projects under subpart J of this part;

(2) An amount equal to 4 percent of the sums so appropriated for the purposes of bilingual activities under subpart E of this part;

(3) An amount equal to 4 percent of the sums so appropriated for the purposes of educational television projects under subpart H of this part; and

(4) An amount equal to 1 percent of the sums so appropriated for the purpose of evaluations under subpart I of this part.

(Public Law 92-318, sections 704(b)(2), 708(a), 708(c), 711, 713)

(c) The Assistant Secretary hereby reserves an amount equal to 15 percent of the sums appropriated under the Act for any fiscal year for grants to, and contracts with, local educational agencies for pilot programs or projects pursuant to subpart C of this part.

(1) The sums reserved under this paragraph shall be apportioned to each State in accordance with section 705(a)(1) of the Act, and shall be used in such States only for the purposes described in this paragraph.

(2) The amount by which the sum apportioned to a State for a fiscal year for the purposes described in this paragraph exceeds the amount which the Assistant Secretary determines will be

required for such fiscal year for such pilot programs or projects shall be available for reapportionment to other States in accordance with section 705(b) of the Act for the purposes described in this paragraph. Upon a determination by the Assistant Secretary that no need exists in any State for funds for such purposes, such excess amount shall be available for reapportionment to other States in accordance with section 705(b) of the Act for grants or contracts pursuant to subpart B of this part. Upon a further determination by the Assistant Secretary that no need exists in any State for funds for the purposes described in subpart B of this part, such remaining excess amount shall be available for reapportionment to other States in accordance with section 705(b) of the Act for grants or contracts pursuant to subpart G of this part.

(Public Law 92-318, sections 705(a)(2), 705(b), 706(b))

(d)(1) The Assistant Secretary hereby reserves (i) an amount equal to 4 percent of the sums appropriated under the Act for any fiscal year for grants to, or contracts with, public or nonprofit private agencies, institutions, or organizations (other than local educational agencies), pursuant to § 185.61(a)(1), and (ii) an amount equal to 4 percent of the sums appropriated under the Act for any fiscal year for grants to, or contracts with, public or nonprofit private agencies, institutions, or organizations (other than local educational agencies and nonpublic elementary or secondary schools) pursuant to § 185.61(a)(2).

(2) The sums reserved under this paragraph shall be apportioned to each State in accordance with section 705(a)(1) of the Act, and shall be used in such States only for the purposes described in this paragraph.

(3) The amount by which the sum apportioned to a State for a fiscal year for the purposes described in this paragraph exceeds the amount which the Assistant Secretary determines will be required for such fiscal year for such grants or contracts shall be available for reapportionment to other States in accordance with section 705(b) of the Act for the purposes described in this paragraph. Upon a determination by the Assistant Secretary that no need exists in any State for funds for such purposes, such excess amount shall be available for reapportionment to other States in accordance with section 705(b) of the Act for grants or contracts pursuant to subpart B or subpart C of this part.

(Public Law 92-318, sections 705(a)(3), 705(b), 708(b))

§§ 185.96–185.100 [Reserved]

APPENDIX A—GRANT TERMS AND CONDITIONS

1. Definitions.
2. Scope of the project.
3. Limitations on costs.
4. Allowable costs.
5. Accounts and records.
6. Payment procedures.
7. Reports.
8. Printing and duplicating.
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11. Copyright and publication.
12. Acknowledgment and disclaimer in publication.
13. Final accounting.
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17. Health and safety standards.
18. Compensation.
19. Labor standards.
20. Equal employment opportunity.
21. Use of consultants.
22. Clearance of forms.
23. Grant related income and investment income.
24. Changes in key personnel.
25. Animal care.

1. *Definitions.* As used in the grant documents relating to this award, the following terms shall have the meaning set forth below:

(a) "Assistant Secretary" means the Assistant Secretary for Education or his duly authorized representative.

(b) "Grantee" means the agency, institution, or organization named in the grant as the recipient, and includes recipients of funds under assistance contracts, which are referred to as "grants" for purposes of these Terms and Conditions.

(c) "Grants Officer" means the designee of the Assistant Secretary who is authorized to execute, and is responsible for the administration of, the grant on behalf of the Government.

(d) "Project Officer" means the designee of the Assistant Secretary who is responsible for the technical monitoring of the project of the Grantee as representative of the Grants Officer.

(e) "Project Director" is the person responsible for directing the project of the Grantee.

(f) "Project" is the activity or program defined in the proposal approved by the Assistant Secretary for support.

(g) "Grant Period" means the period specified in the Notification of Grant Award during which costs may be charged against a Grant.

(h) "Budget" means the estimated cost of performance of the project as set forth in the Notification of Grant Award.

2. *Scope of the project.* The project to be carried out hereunder shall be consistent with the proposal as approved for support by the Assistant Secretary and referred to in the Notification of Grant Award and shall be performed in accordance with this approved project proposal. No substantive changes in the program of a project shall be made unless the Grantee submits (at least 30 days prior to the effective date of the proposed change) an appropriate amendment thereto, along with the justification for the change, and this amendment is approved in writing by the Grants Officer.

3. *Limitation on costs.* (a) The total costs to the Government for the performance of the grant shall not exceed the amount set forth in the Notification of Grant Award or any appropriate modification thereof. The Government shall not be obligated to reimburse the grantee for costs incurred in excess of such amounts unless or until the Grants Officer has notified the grantee in writing that such amount has been increased and has specified such increased amount in a revised Notification of Grant Award. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant.

(b) The Grantee may transfer funds among the direct-cost object class budget categories to the extent necessary to assure the effectiveness of the project, except for the following restrictions: For each budget period, prior written approval must be obtained from the Grants Officer if (1) the grant budget is over $100,000 and the cumulative among the direct-cost object class budget class budget categories exceeds $10,000, or 5 percent of the grant budget, whichever is greater; (2) the grant budget is $100,000 or less and the cumulative amount of transfers among direct-cost object class budget categories exceeds 5 percent of the grant budget; or (3) the revisions involve in the transfer of amounts budgeted for indirect costs to absorb increases in direct costs. In multiple funded projects, no transfer of funds is authorized which will cause such funds to be used for purposes other than those originally intended.

(c) Funds for the production of audio visual materials (i.e., motion picture films, videotapes, film strips, slide sets, tape recordings, exhibits, or combinations thereof) for viewing, whether for limited or general public use, are not authorized until prior written approval is received from the Grants Officer.

(d) In the case of educational training programs, the limitation on costs stated in paragraph (a) above shall automatically be increased to cover the cost of allowance for additional dependents not specified in the Notification of Grant Award.

4. *Allowable costs.* (a) Expenditures of the Grantee may be charged to this grant only if they: (1) are incurred subsequent to the effective date of the project indicated in the Notification of Grant Award, which shall be no earlier than the date upon which the award document is signed by the Grants Officer, and (2) conform to the approved project proposal.

(b) Subject to paragraph (a) and to the requirements of § 185.13(a) of the regulation, allowability of costs incurred under this grant shall be determined in accordance with the principles and procedures set forth in the documents identified below, as amended prior to the date of the award.

(1) Exhibit X-2-65-1 of the Department of Health, Education, and Welfare Grants Administration Manual, if the Grantee is an institution of higher education; or

(2) Exhibit X-2-66-1 of the Department of Health, Education, and Welfare Grants Administration Manual, if the Grantee is a hospital as defined therein; or

(3) Exhibit X-1-76-1 of the Department of Health, Education, and Welfare Grants Administration Manual, if the Grantee is a nonprofit institution; or

(4) Chapter 5-60 of the Department of Health, Education, and Welfare Grants Administration Manual, if the Grantee is a State or local government agency.

(c) In accordance with the policy of the Department of Health, Education, and Welfare, if the Grantee has an audited indirect cost rate that has been approved by the Department of Health, Education, and Welfare, Office of Grants Administration Policy, this approved rate may be applied to both the Federal and non-Federal share of allowable direct costs of the project. When an indirect cost rate is applied to either the Federal or non-Federal share of project costs, no item normally included in the Grantee's indirect cost pool (such as supervision, accounting, budgeting, or maintenance) shall be listed as a direct cost of the project. Procedures for establishing Indirect Cost Rates are covered in Department of Health, Education, and Welfare brochures: OASC-1, A Guide for Educational Institutions; OASC-3, A Guide for Hospitals; OASC-5, A Guide for Nonprofit In-

stitutions; OASC–6, A Guide for State Government Agencies; OASC–7, Department of Health, Education, and Welfare Provisions for Establishing Indirect Cost Rates under OMB Circular A–88; and OASC–8, A Guide for Local Government Agencies.

(d) Indirect costs for educational training programs will be allowed at the lesser of the organizational indirect costs or 8 percent of total direct costs, including stipends and dependency allowances, except for State and local governments.

5. *Accounts and records.*—(a) *Records.* The Grantee shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any) in accordance with section 434(a) of the General Educations Provisions Act, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the grant.

(b) *Period of retention.* (1) Except as provided in paragraphs (b)(2) and (d) below, the records specified in paragraph (a) above shall be retained for 3 years after the date of the submission of the final expenditure report, or, for grants which are renewed annually, for 3 years after the date of the submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after the final disposition of such property.

(c) *Microfilm copies.* The Grantee may substitute microfilm copies in lieu of original records in meeting the requirements set forth herein.

(d) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.* The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

6. *Payment procedures.* To obtain Federal funds, the Grantee shall receive payments in accordance with the payment schedule which is set forth in the Special Terms and Conditions.

7. *Reports.* The Grantee shall submit such fiscal and technical reports as may be required in the grant or by the Grants Officer, and in the quantity and at the time stated in the report schedule which is set forth in the Special Terms and Conditions.

8. *Printing and duplicating.* All printing and duplicating authorized under this grant is subject to the limitations and restrictions contained in the current issue of the U.S. Government Printing and Binding Regulations if done for the use of the Department within the meaning of those Regulations.

9. *Audits.* (a) All expenditures by the Grantee shall be audited by the Grantee or at the Grantee's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and compliance with laws and regulations.

(b) The Grantee shall schedule such audits with reasonable frequency (usually annually, but not less frequently than once every 2 years), considering the nature, size, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Assistant Secretary to assure that proper use has been made of the funds expended. The results of such audits will be used to review the Grantee's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(d) Each Grantee shall use a single auditor for all its expenditures under Federal education assistance programs, regardless of the number of Federal agencies providing such assistance.

10. *Applicability of State and local laws and institutional procedures regarding expenditure of funds.* Except to the extent otherwise provided for in this document or any document incorporated herein by reference, nothing herein or therein shall be construed so as to alter the applicability to the Grantee of any State or local law, rule, regulation, or any institutional procedure which would otherwise pertain to the expenditure of funds.

11. *Copyright and publication.* (a) The term "materials" as used herein means writing, sound recordings, films, pictorial reproductions, drawings or other graphic representations, computer programs, and works of any similar nature produced under this grant. The term does not include financial reports, cost analyses, and similar information incidental to grant administration.

(b) It is the policy of the Department that the results of activities supported by it should be utilized in the manner which would best serve the public interest.

(c) Where the grant results in a book or other copyrightable materials, the author or Grantee is free to copyright such materials, but the Assistant Secretary reserves a royalty fee, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use such materials for Government purposes.

12. *Acknowledgement and disclaimer in publication.* (a) Any publication or presentation resulting from or primarily related to the project being performed hereunder shall contain the following acknowledgment: "The project presented or reported herein was performed pursuant to a Grant from the Department of Health, Education, and Welfare. However, the opinions expressed herein do not necessarily reflect the position or policy of the Department and no official endorsement by the Department should be inferred."

(b) Materials produced as a result of the grant may be published without prior review by the Assistant Secretary, provided that 15 copies of such materials shall be furnished to the Grants Officer and no such materials may be published for sale without the prior approval of the Grants Officer. Such approval shall be subject to such requirements as the Assistant Secretary deems appropriate.

13. *Final accounting.* (a) In addition to such other accounting as the Assistant Secretary may require, the Grantee shall render, with respect to the program, project, or activity assisted under the grant, a full final accounting of funds expended, obligated, and remaining. A report of such accounting shall be submitted to the Assistant Secretary within 90 days of the expiration or termination of the grant, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Assistant Secretary to be due. Such period may be extended at the discretion of the Assistant Secretary upon the written request of the recipient.

14. *Travel.* Travel allowances shall be paid in accordance with applicable State and local laws and regulations and grantee policies. If none of these are applicable, travel shall be done in accordance with Federal Government regulations. No foreign travel is authorized under the grant unless prior approval is received from the Grants Officer. Travel between the United States and Guam, American Samoa, Puerto Rico, the U.S. Virgin Islands, the Canal Zone, and Canada is not considered foreign travel.

15. *Property management.*—(a) *Definitions.* The following definitions apply:

(1) *Real property.* Real property means land, land improvements, structures, and appurtenances thereto, excluding movable machinery and equipment.

(2) *Personal property.* Personal property means property of any kind except real property. It may be tangible (having physical existence) or intangible (having no physical existence, such as patents, inventions, and copyrights).

(3) *Nonexpendable personal property.* Nonexpendable personal property means tangible personal property having a useful life of more than 1 year and an acquisition cost of $300 or more per unit. A Grantee may use its own definition of nonexpendable property provided that such definition would at least include all tangible personal property as defined in this paragraph.

(4) *Expendable personal property.* Expendable personal property refers to all tangible personal property other than nonexpendable personal property.

(b) *Personal property acquisitions.* Personal property shall be acquired by the Grantee in whole or in part with Federal funds only to the extent required for the performance of the grant, and in quantities and dollar amounts not to exceed those specified elsewhere in the approved project proposal. Real property shall not be acquired in support of the grant.

(c) *Title.* Title to nonexpendable personal property acquired by the Grantee in whole or in part with Federal funds shall vest in the Grantee. Title to federally owned nonexpendable property which is provided to the Grantee shall remain vested in the Federal Government.

(d) *Use.* The Grantee shall use personal property acquired or provided under the grant solely in the performance of the grant.

(1) The Grantee shall retain the property acquired with Federal funds in the grant program as long as there is a need for the property to accomplish the purpose of the grant program, whether or not the program continues to be supported by Federal funds. When there is no longer a need for the property to accomplish the purposes of the grant program, the Grantee shall use the property in connection with other Federal grants it has received in the following order of priority:

(*a*) Grants from the Assistant Secretary or the Office of Education necessitating use of the property;

(*b*) Grants from other Federal agencies necessitating use of the property.

(2) When the Grantee no longer needs the property in any of its Federal grant programs, the property may be used for its own official activities in accordance with the following standards:

(*a*) *Nonexpendable property with an acquisition cost of less than $500 and used 4 years or more.* The Grantee may use the property for its own official activities without reimbursement to the Federal Government, or may sell the property and retain the proceeds.

(*b*) *All other nonexpendable property.* The Grantee may retain the property for its own use, provided that a fair compensation is made to the original grantor agency for the latter's share of the property. The amount of compensation shall be computed by applying the percentage of Federal participation in the grant program to the current fair market value of the property.

(e) *Disposition.* If the Grantee has no need for the property, disposition of the property shall be as follows:

(1) *Nonexpendable property with an acquisition cost of $1,000 or less.* Except for property which meets the criteria of paragraph (d)(2)(*a*) above, the Grantee shall

sell the property and reimburse the Federal agency in an amount which is computed in accordance with subdivision (b) of this subparagraph.

(2) *Nonexpendable property with an acquisition cost of over $1,000.* The Grantee shall request disposition instructions from the grantor agency. If the Grantee is instructed to ship the property elsewhere, the Grantee shall be reimbursed by the benefiting Federal agency in an amount which is computed by applying the percentage of the Grantee's participation in the grant program to the current fair market value of the property, plus any shipping or interim storage costs incurred. If the Grantee is instructed to dispose of the property otherwise, he shall be reimbursed by the Federal grantor agency for the costs incurred in such disposition. If disposition instructions are not issued within 120 days after reporting, the Grantee shall sell the property and reimburse the Federal grantor agency in an amount which is computed by applying the percentage of the Federal participation in the grant program to the sales proceeds. Further, the Grantee shall be permitted to retain $100 or 10 percent of the proceeds, whichever is greater, for the Grantee's selling and handling expenses.

(3) *Federally owned nonexpendable personal property.* Upon the completion or termination of the grant (or the expiration of need for the property for any Federal grant purposes), the Grantee shall report to the Grants Officer in writing the federally-owned nonexpendable personal property acquired or provided under the grant.

(f) *Management standards.* The Grantee's property management standards for nonexpendable personal property shall also include the following procedural requirements:

(1) Property records shall be maintained accurately and provide for a description of the property; acquisition date and cost; source of the property; percentage of Federal funds used in the purchase of the property; location, use, and condition of the property; and ultimate disposition data including sales price or the method used to determine current fair market value if the Grantee reimburses the grantor agency for its share;

(2) A physical inventory of the property shall be taken and the results reconciled with the property records at least once every 2 years to verify the existence, current utilization, and continued need for the property;

(3) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented;

(4) Adequate maintenance procedures shall be implemented to keep the property in good condition; and

(5) Proper sales procedures shall be established for unneeded property which provide for competition to the extent practicable and result in the highest possible return.

(g) *Expendable personal property.* When the total inventory value of any unused expendable personal property exceeds $500 at the expiration of need for such property for any Federal grant purposes, the Grantee may retain or sell the property, provided the Federal Government is reimbursed for its share in the costs in accordance with paragraph (d)(2)(b) above.

(h) *Intangible property.* If any program produces patents, patent rights, processes, or inventions in the course of work aided by a Federal grant, such fact shall be promptly and fully reported to the grantor agency. The grantor agency shall determine whether protection on such invention or discovery shall be sought and how the rights in the invention or discovery (including rights under any patent issued thereon) shall be disposed of and administered in order to protect the public interest consistent with the Statement of Government Patent Policy (36 FR 16889).

16. *Contracting and procurement.* Recipients may use their own procurement regulations which reflect applicable State and local law, rules, and regulations, provided that procurements made with Federal funds adhere to the standards set forth as follows:

(a) The recipient shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Federal funds. Recipient's officers, employees, or agents, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by State or local law, rules, or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the recipient, officers, employees, or agents, or by contractors or their agents.

(b) All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The recipient should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(c) The recipient shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(1) Proposed procurement actions shall be reviewed by recipient officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition.

(3) Positive efforts shall be made by the recipients to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Federal grant funds.

(4) The type of procuring instruments used (i.e., fixed price contracts, cost-reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the best interest of the Federal program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(5) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (6) below is necessary to accomplish sound procurement. However, procurements of $2,500 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the recipient, price and other factors considered. (Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the recipient. Any or all bids may be rejected when it is in the recipient's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(6) Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the recipient if:

(a) The public exigency will not permit the delay incident to advertising;

(b) The material or service to be procured is available from only one person or firm. (All contemplated sole source procurements where the aggregated expenditure is expected to exceed $5,000 shall be referred to the Assistant Secretary for prior approval.)

(c) The aggregate amount involved does not exceed $2,500;

(d) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution;

(e) The material or services are to be procured and used outside the limits of the United States and its possessions;

(f) No acceptable bids have been received after formal advertising;

(g) The purchases are for highly perishable materials or medical supplies, for materials or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture; and

(h) Such procedure is otherwise authorized by law, rules, or regulations.

Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

(7) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(8) Procurement records or files for purchases in amounts in excess of $2,500 shall provide at least the following pertinent information: justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

(9) A system for contract administration shall be maintained to assure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

(d) The recipient shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts and subgrants:

(1) Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contracts' terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contracts, amounts for which are in excess of $2,500, shall contain suitable provisions for termination by the recipient including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe condi-

tions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) All negotiated contracts (except those of $2,500 or less) awarded by recipients shall include a provision to the effect that the recipient, the Assistant Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific Federal program for the purpose of making audit, examination, excerpts, and transcriptions.

17. *Health and safety standards.* Whenever the Grantee, acting under the terms of the grant, shall rent, lease, purchase, or otherwise obtain classroom facilities (or any other facilities) which will be used by students and faculty, the Grantee shall comply with all health and safety regulations and laws applicable to similar facilities being used in that locality for such purpose.

18. *Compensation.* If a staff member is involved simultaneously in two or more projects supported by funds from the Federal Government, he may not be compensated for more than a total of 100 percent time from such Government funds for all projects during any given period of time. The grantee shall not use any grant funds or funds from other sources to pay a fee to, or travel expenses of, employees of the Department for lectures, attending program functions, or other activities in connection with the grant.

19. *Labor standards.* To the extent that grant funds will be used for alteration and repair (including painting and decorating) of facilities, the Grantee shall furnish the Grants Officer with the following:

(a) A description of the alteration or repair work and the estimated cost of the work to be performed at the site;

(b) The proposed advertising and bid opening dates for the work;

(c) The city, county, and State at which the work will be performed; and

(d) The name and address of the person to whom the necessary wage determination and labor standards provisions are to be sent for inclusion in contracts, not later than 6 weeks prior to the advertisement for bids for the alteration or repair work to be performed. The Grantee shall also include or have included in all such alterations or repairs the wage determination and labor standards provisions that are provided and required by the Secretary of Labor under 29 CFR Parts 3 and 5.

20. *Equal employment opportunity.* With respect to repair and minor remodeling, the Grantee shall comply with and provide for Contractor and Subcontractor compliance with the requirements of Executive Order 11246, as amended, as implemented by 41 CFR Part 60. The terms required by Executive Order 11246 will be included in any contract for construction work, or modification thereof, as defined in said Executive order.

21. *Use of consultants.* (a) The hiring of and payments to consultants shall be in accordance with applicable State and local laws and regulations and grantee policies. However, for the use of and payment to consultants whose rate will exceed $100 per day, prior written approval for the use of such consultants must be obtained from the Grants Officer.

(b) The Grantee must maintain a written report for the files on the results of all consultations charged to this grant. This report must include, as a minimum: (1) the consultant's name, dates, hours, and amount charged to the grant; (2) the names of the grantee staff to whom the services are provided; and (3) the results of the subject matter of the consultation.

22. *Clearance of forms.* To permit monitoring and clearance, the Grantee is to submit to the appropriate Project Officer, prior to use, five copies of all tests, questionnaires, interview schedules or guides, and rating scales which are to be employed in collecting data from 10 or more individuals or organizations. A brief report of related information (such as purposes of the study, relevance of the data-gathering instruments to these purposes, nature of the sample, number of respondents, burden on respondents, etc.) must accompany the copies of the instruments, in accordance with directions from the Department. Exceptions:

(a) Copies need not be submitted of conventional instruments which deal solely with (1) cognitive functions or technical proficiency (e.g., scholastic aptitude, school achievement, etc.), (2) routine demographic information, or (3) routine institutional information; but a report of the "related information" (as specified above) concerning the particular data-gathering instruments must be supplied to the Project Officer in order to permit appropriate monitoring and clearance.

(b) Ordinary classroom tests employed in the development of a new curriculum or as part of the regular instructional routine, constituting part of the project for which funds are granted, need be neither reported nor submitted; but final tests employed in such a project, serving purposes of evaluation, must be reported; and, if significantly unusual in such essential features as content, directions, form of response, etc., must be submitted in five copies.

23. *Grant related income and investment income.* (a) Interest or other income earned by investment of the grants funds is termed "Investment Income." Grantees other than a State or State agency shall return such funds to the Assistant Secretary. State or State agencies are not accountable for their use of Investment Income.

(b) Royalties received from copyrights and patents, funds received from sale of products or services, fees received for personal services, where such funds are derived from activities supported or funded by the grant, are termed "Grant Related Income." Accountability for Grant Related Income shall be satisfied in accordance with the following requirements:

(1) Funds received from royalties on copyrights or patents during the grant period shall be retained by the Grantee and either (*a*) added to the funds already commited to the program, or (*b*) deducted from total project costs for the purpose of determining the net costs on which the Federal share of cost will be based.

(2) After termination or completion of the grant, the Federal share of royalties in excess of $200 received annualy shall be returned to the Assistant Secretary for deposit as Miscellaneous Receipts in the U.S. Treasury. The Federal share of royalties shall be computed on the same basis as the Federal share of the total project cost.

(3) All other income earned during the grant period shall be retained by the Grantee and shall be either (*a*) added to funds committed to the project by the Government and the Grantee and used to further eligible program objectives, (*b*) deducted from the total project costs of the grant for the purpose of determining the net costs on which the Federal share of costs will be based, or (*c*) used to reimburse the Grantee for allowable costs which, for budgetary or other reasons, have previously been treated as nonreimbursable. Such income may not be used to reimburse the Grantee for unallowable costs.

(4) The expenditure of the Federal share of Grant Related Income shall not be considered in meeting cost sharing or matching requirements, except under those programs where it is clear that legislative intent was to permit such income to be used for such purposes.

(5) If the Grantee receives any grant related income in connection with the grant, the maintenance of records of the receipt and disposition of the grant related income shall be in accordance with the requirements set forth in Term and Condition No. 5, "Accounts and Records."

24. *Changes in key personnel.* The Project Director and other grant personnel specified by name in the proposal are considered to be essential to the work being performed. If for any reason substitution of a specified individual becomes necessary, the Grantee shall provide timely written notification to the Grants Officer. Such written notification shall include the successor's name with a resumé of his qualifications.

25. *Animal care.* Where research animals are used in any project financed wholly or in part with Federal funds, every precaution shall be taken to assure proper care and humane treatment of such animals.

[FR Doc.73-2392 Filed 2-5-73;8:45 am]

federal register

TUESDAY, FEBRUARY 6, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 24

PART IV

OFFICE OF MANAGEMENT AND BUDGET

■

REPORT UNDER FEDERAL IMPOUNDMENT AND INFORMATION ACT

OFFICE OF MANAGEMENT AND BUDGET

REPORT UNDER FEDERAL IMPOUNDMENT AND INFORMATION ACT

FEBRUARY 5, 1973.

HONORABLE SPIRO T. AGNEW,
President of the Senate,
Washington, D.C. 20510.

DEAR MR. PRESIDENT: The enclosed report is submitted pursuant to title IV of Public Law 92–599, the "Federal Impoundment and Information Act." In accordance with that Act, the report is being transmitted to the Congress and to the Comptroller General of the United States, and will be published in the FEDERAL REGISTER.

The pressure of work on the formulation of the 1974 Budget—which was sent to the Congress on January 29—taxed our staff resources to capacity (and perhaps beyond) for the last 3 months. As soon as the 1974 Budget was being completed, we began to compile this report so that it could be transmitted to the Congress at the earliest possible date. We believe that the report is complete and we have furnished it as quickly as possible under the prevailing circumstances.

Sincerely,

ROY L. ASH,
Director.

BUDGETARY RESERVES AS OF JANUARY 29, 1973

Introduction. The Director of the Office of Management and Budget, under authority delegated by the President, is required to apportion funds provided by the Congress. The apportionments are required under the Antideficiency Act (31 U.S.C. 665) and generally are for the current fiscal year. Under the law, such apportionments limit the amounts which may be obligated during specific periods.

The Antideficiency Act authorizes the withholding of funds from apportionment to provide for contingencies; or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. There are also occasions when specific provisions of law provide that the funds should be available for use over periods longer than 1 year; in such cases, they generally are not fully apportioned in the current year, and the unapportioned part is withheld, to be released later for use in the next year or years. Thus, some amounts are withheld from apportionment, either temporarily or for longer periods. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by all recent administrations as a customary part of financial management.

On occasion the Congress has explicitly required that an amount be placed in reserve pending an administrative determination of need (e.g., the 1973 Agriculture-Environmental and Consumer Protection Appropriation Act—Public Law 92–399). Most reserves, however, are established upon the initiative of the Executive branch based on an operational knowledge of the status of the specific projects or activities. For example, when the required amount of work can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

From time to time additional reserves are established for such reasons as the necessity to conform to the requirements of other laws. An example is the executive's responsibility to stay within the statutory limitation on the outstanding public debt.

The total of all current reserves is 3.5 percent of the total unified budget outlays for fiscal year 1973 (as estimated in the 1974 Budget). The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5 percent to 8.7 percent. At the end of fiscal year 1967, it stood at 6.7 percent. At the end of 1972, it was 4.6 percent. But a range in the neighborhood of 6 percent has been normal over most of the last decade.

Report required by law. This report is submitted in fulfillment of the requirements of title IV of Public Law 92–599, the "Federal Impoundment and Information Act," enacted October 27, 1972, which provides for a report of "impoundments," and certain other information pertaining thereto. This report lists the budgetary reserves which were in effect as of January 29, 1973.

The reserves listed are consistent with the 1974 Budget, transmitted to the Congress on January 29, 1973. Therefore, the estimated fiscal, economic, and budgetary effects of these reserves have been reflected in the estimates and other information in that budget. (This statement is made in response to item No. 7 of the Federal Impoundment and Information Act.)

The Anti-deficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be made or reserves be established, modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer to item No. 5 of the Federal Impoundment and Information Act, the period of time during which funds are to be in reserve is dependent in all cases upon the results of such later review.

Several rescissions of 1973 appropriations have been proposed to the Congress in the 1974 Budget. These amounts have been apportioned to the agencies pending congressional action (that is, they have not been placed in reserve). The items and amounts proposed for rescission are as follows:

Department of Health, Education, and Welfare:	
Food and Drug Administration: Food, drug, and product safety	$17,252,000
Health Services and Mental Health Administration: Indian health services	4,708,000
Office of Education:	
Indian education	18,000,000
Higher education	44,300,000
Library resources	2,857,000
Educational renewal	11,890,000
Department of Labor: Manpower Administration: Manpower Training Services	283,881,000

The remainder of this report lists, by agency, all accounts for which some funds are reserved. For each account, it:

Presents the amount apportioned for the current fiscal year;

Presents the amount in reserve;

States whether the amount reserved will be legally available for obligation in the next fiscal year;

Indicates the date of the reserve action and the effective date of the reserve; and

Presents (by code) authority and reason for the reserve, without necessarily exhausting all possible authorities and reasons.

Codes used in the remainder of this report for the authorities and reasons for the reserve actions are described below:

Code	*Authority and reason for present action*
1	"To provide for contingencies" (31 U.S.C. 665(c)(2)).
2	"To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such (funds were) made available" (31 U.S.C. 665(c)(2)).
3	To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 U.S.C. 665(c)(1)).
4	"To achieve the most effective and economical use" of funds available for periods beyond the current fiscal year (31 U.S.C. 665(c)(1)). This explanation includes reserves established to carry out the congressional intent that funds provided for periods greater than 1 year should be so apportioned that they will be available for the future periods.

Code	Authority and reason for present action
5	Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) properly to apportion the funds and to insure that the funds will be used in "the most effective and economical" manner (31 U.S.C. 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.
6	The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, section 3):
6a	—Obligation at this time of amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.
6b	—Existing tax laws and the statutory limitation on the national debt (as provided under Public Law 92-599) will not provide sufficient funds in the current fiscal year to cover the total of all outlays in that year contemplated by the individual acts of Congress.
6c	—Action taken pursuant to President's responsibility to help maintain economic stability without undue price and cost increases (Public Law 92-210, which amended sec. 203 of Public Law 91-379).
6d	—Amount apportioned reflects the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.
6e	—Other. See footnote for each item so coded.
7	The President's constitutional authority and responsibility as Commander in Chief (U.S. Constitution, Aritcle II, section 2).
8	The President's constitutional authority and responsibility for the conduct of foreign affairs (U.S. Constitution, Article II, section 2).
9	Other. See footnote for each item so coded.

As of
January 29, 1973

BUDGETARY RESERVES

(Dollars in thousands)

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Executive Office of the President					
Council on Environmental Quality: Salaries and expenses					
$2,230	$320	No	1/12/73	1/12/73	5
Council on International Economic Policy: Salaries and expenses					
300	700	No	11/28/72	11/28/72	5
National Security Council: Salaries and expenses					
2,637	125	No	8/4/72	8/4/72	5
Special Action Office On Drug Abuse Prevention: Salaries and expenses					
6,315	2,027	Yes	8/21/72	8/21/72	4,5
Funds Appropriated to the President					
Appalachian Regional Commission: Appalachian regional development programs					
340,263	65,000	Yes	9/22/72	9/22/72	5, 6c
Agency for International Development: Prototype desalting plant					
--- 1/	20,000	Yes	4/7/72	7/1/72	5
The Inter-American Foundation: Inter-American Foundation					
8,000	41,624	Yes	1/10/72	7/1/72	4,6e 2/
Department of Agriculture					
Office of the Secretary: Office of the Secretary					
11,312	583	No	1/26/73	1/26/73	6b
Office of the Inspector General: Office of the Inspector General					
18,774	450	No	1/26/73	1/26/73	6b
Office of the General Counsel: Office of the General Counsel					
6,913	13	No	1/26/73	1/26/73	6b
Office of Management Services: Office of Management Services					
5,534	6	No	1/26/73	1/26/73	6b

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of Agriculture--Continued					
Agricultural Research Service: Agricultural Research Service					
200,402	8,464	No	1/26/73	1/26/73	6b
Construction					
3,598	1,720	Yes	1/26/73	1/26/73	4,6b
Animal and Plant Health Inspection Service: Animal and plant health inspection service					
323,410	2,055	No	1/29/73	1/29/73	1,5,6b, 6e 3/
Cooperative State Research Service: Cooperative State research service					
88,388	3,530	No	1/26/73	1/26/73	5,6b,6e 3/
Extension Service: Extension service					
190,427	5,053	No	1/26/73	1/26/73	5,6b,6e 3/
National Agriculture Library: National Agricultural Library					
4,408	6	No	1/26/73	1/26/73	6b
Statistical Reporting Service: Statistical reporting service					
25,042	267	No	1/26/73	1/26/73	6b
Economic Research Service: Economic research service					
18,689	337	No	1/26/73	1/26/73	6b
Commodity Exchange Authority: Commodity exchange authority					
2,894	12	No	1/26/73	1/26/73	6b
Packers and Stockyards Administration: Packers and stockyards administration					
4,014	43	No	1/26/73	1/26/73	6b
Farmers Cooperative Service: Farmers cooperative service					
2,060	115	No	1/26/73	1/26/73	6b

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of Agriculture--Continued					
Foreign Agricultural Service: Foreign Agricultural service					
28,932	117	No	1/26/73	1/26/73	6b
Salaries and expenses, Special foreign current program					
1,000	2,240	Yes	1/26/73	1/26/73	4
Agricultural Stabilization and Conservation Service: Rural environmental assistance					
15,000	210,500	Yes	1/26/73	1/26/73	6b
Water bank act program					
8,489	11,391	Yes	1/26/73	1/26/73	6b
Emergency conservation measures					
20,000	3,670	Yes	12/30/72	12/30/72	1
Rural development service					
394	6	No	1/26/73	1/26/73	6b
Dairy and beekeepers indemnity program					
7,294	2,500	Yes	1/26/73	1/26/73	4
Commodity Credit Corporation: Limitation on administrative expenses					
37,034	2,866	No	1/26/73	1/26/73	1,6e 3/
Rural Electrification Administration: Loans					
283,972	456,103	Yes	1/26/73	1/26/73	2,6b,6c
Salaries and expenses					
16,611	153	No	1/ 2 6/73	1/26/73	6b
Farmers Home Administration: Rural water and waste disposal grants					
30,000	120,000	Yes	1/26/73	1/26/73	6b, 6c
Rural housing for domestic farm labor grants					
850	2,947	Yes	1/26/73	1/26/73	5, 6b
Mutual and self-help housing grants					
3,729	832	Yes	9/22/73	9/22/73	4

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of Agriculture--Continued					
Farmers Home Administration: (continued)					
Salaries and expenses					
117,914	1,371	No	1/26/73	1/26/73	6b
Rural housing insurance fund					
2,021,000	133,000	Yes	1/26/73	1/26/73	4, 6b
Soil Conservation Service: Conservation operations					
170,093	3,607	Yes	1/26/73	1/26/73	6b
River basin surveys and investigation					
14,344	156	Yes	1/26/73	1/26/73	6b
Watershed planning					
9,256	569	Yes	1/26/73	1/26/73	6b
Watershed and flood prevention operations					
140,287	17,412	Yes	1/26/73	1/26/73	6b
Great Plains conservation service					
18,265	74	Yes	1/26/73	1/26/73	6b
Resource conservation and development					
25,371	7,929	Yes	1/26/73	1/26/73	6b
Agricultural Marketing Service: Marketing service					
37,151	236	No	9/22/72	9/22/72	6b
1,360	700	Yes	6/27/72	7/1/72	4
Payments to States and possessions					
1,600	900	No	9/22/72	9/22/72	6b
Perishable agricultural commodities act fund					
1,353	10	Yes	6/27/72	7/1/72	4

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of Agriculture--Continued					
Food Nutrition Service: Food stamp program					
2,336,896	158,854	No	12/20/72	12/20/72	1,6e 3/
Forest Service: Forest protection and utilization					
390,919	22,105	No	1/26/73	1/26/73	6b
9,208	615	Yes	9/8/72	9/8/72	4
Construction and land acquisition					
43,401	12,602	Yes	1/26/73	1/26/73	6b
Youth conservation corps					
3,500	2,097	Yes	1/26/73	1/26/73	4
Forest roads and trails and roads and trails for states					
157,848	280,380	Yes	1/26/73	1/26/73	4,6b
Assistance to States for tree planting					
1,119	15	Yes	1/26/73	1/26/73	6b
Brush disposal					
18,328	18,558	Yes	11/14/72	11/14/72	4
Forest fire prevention					
261	134	Yes	11/14/72	11/14/72	4
Department of Commerce					
Social and Economic Statistics Administration: Salaries and expenses					
33,787	1,500	No	11/24/72	11/24/72	2, 6b
1974 Census of Agriculture					
--- 4/	1,360	Yes	11/24/72	11/24/72	2, 4

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of Commerce--Continued					
Economic Development Administration: Planning, technical assistance, and research					
29,000	2,488	No	1/18/73	1/18/73	2,6b
Development facilities					
211,109	8,891	No	1/18/73	1/18/73	2,6b
Regional Action Planning Commissions: Regional development programs					
44,553	1,116	Yes	11/24/72	11/24/72	5
Domestic and International Business: Trade adjustment assistance					
21,000	18,681	Yes	1/4/73	1/4/73	1
Spokane ecological exposition					
2,689	811	Yes	11/24/72	11/24/72	4,5
International activities, Inter-American Cultural and Trade Center					
100	5,359	Yes	9/29/72	9/29/72	4,5
Office of Minority Business: Minority business development					
9,935	1,188	No	11/24/72	11/24/72	2, 6b
36,065	16,768	Yes	1/26/72	1/26/72	2, 4, 6b
National Oceanic and Atmospheric Administration: Salaries and expenses					
228,780	12,323	No	1/26/73	1/26/73	2, 6b
Research, development, and facilities					
121,481	31,762	Yes	1/26/73	1/26/73	2, 4, 6b
Satellite operations					
38,282	1,000	Yes	1/26/73	1/26/73	5
Administration of the Pribilof Islands					
3,032	200	No	1/26/73	1/26/73	2, 6b
Patent Office: Salaries and expenses					
66,353	1,247	No	1/26/73	1/26/73	2, 6b

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of Commerce--Continued					
Office of Telecommunciations: Research, analysis, and technical services					
5,316	1,435	Yes	12/28/72	12/28/72	2, 4, 6b
National Bureau of Standards: Plant and facilities					
2,450	1,850	Yes	11/24/72	11/24/72	2,4, 6b
Research and technical services					
50,400	7,895	No	12/28/72	12/28/72	2, 6b
2,000	8,812	Yes	11/24/72	11/24/72	5, 6b
Construction of facilities					
138	740	Yes	1/26/73	1/26/73	4, 6b
Maritime Administration: Ship construction					
421,810	50,000	Yes	1/18/73	1/18/73	4, 6b
Research and development					
24,901	5,000	Yes	1/18/73	1/18/73	4, 6b
Salaries and expenses					
25,010	700	No	11/24/72	11/24/72	2
Maritime training					
8,324	150	No	11/24/72	11/24/72	2
State marine schools					
2,428	127	Yes	11/24/72	11/24/72	4
Department of Defense-Military					
Personnel: Reserve personnel, Marine Corps					
71,950	5,106	No	11/17/72	11/17/72	5
Procurement: Aircraft procurement, Army					
53,049	2,825	Yes	11/20/72	11/20/72	4

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of Defense-Military--Continued					
Procurement--Continued					
Other procurement, Army					
146,583	21,726	Yes	11/20/72	11/20/72	4
Shipbuilding and conversion, Navy					
1,031,900	145,672	Yes	11/24/72	11/24/72	4
938,300	427,212	Yes	11/24/72	11/24/72	4
2,263,500	777,100	Yes	11/24/72	11/24/72	4
Military Construction: Military construction, Army					
1,199,739	127,706	Yes	11/24/72	11/24/72	5
Military construction, Navy					
719,073	127,584	Yes	1/8/73	1/8/73	5
Military construction, Air Force					
364,331	123,924	Yes	1/8/73	1/8/73	5
Military construction, Defense agencies					
24,580	58,565	Yes	1/10/73	1/10/73	5
Military construction, Army National Guard					
20,939	25,327	Yes	1/8/73	1/8/73	5
Military construction, Air National Guard					
11,805	7,268	Yes	1/15/73	1/15/73	5
Military construction, Army Reserve					
40,163	15,465	Yes	1/8/73	1/8/73	5
Military construction, Naval Reserve					
10,731	25,750	Yes	11/24/72	11/24/72	5
Military construction, Air Force Reserve					
8,919	988	Yes	12/19/72	12/19/72	5

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of Defense-Military--Continued					
Civil Defense: Research, shelter survey and marking					
23,397	1,080	Yes	7/27/72	7/27/72	5
Special Foreign Currency Program: Special foreign currency program					
8,705	2,426	No	12/18/72	12/18/72	5
7,025	2,477	Yes	12/18/72	12/18/72	5
3,000	400	Yes	12/4/72	12/4/72	5
Department of Defense-Civil					
Corp of Engineers: General investigations					
58,992	5,150	Yes	1/26/73	1/26/73	2,6b
Construction					
1,262,801	94,033	Yes	1/26/73	1/26/73	1,6b
Operation and maintenance					
433,799	16,000	Yes	1/26/73	1/26/73	6b
Flood control, Mississippi River and tributaries					
110,798	1,750	Yes	1/26/73	1/26/73	6b
Panama Canal: Canal Zone Government, Capital outlay					
7,089	700	Yes	9/8/72	9/8/72	5
Wildlife Conservation: Wildlife conservation, Army					
515	330	Yes	12/13/72	12/13/72	1
Wildlife conservation, Navy					
58	30	Yes	11/21/72	11/21/72	1
Wildlife conservation, Air Force					
101	31	Yes	6/28/72	7/1/72	1

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of Health, Education, and Welfare					
Health Services and Mental Health Facilities: Indian health facilities					
43,960	4,623	Yes	1/26/73	1/26/73	5
National Institutes of Health: Buildings and facilities					
14,843	2,000	Yes	8/15/72	8/15/72	5
Office of Education: Higher education					
234,359	1,889	Yes	11/30/72	11/30/72	5
355,200	10,000	No	1/26/73	1/26/73	5
Educational activities overseas (Special foreign currency program)					
3,282	16	Yes	4/6/72	7/1/73	5
Social and Rehabilitation Service: Social and rehabilitation services					
31,767	200	No	12/11/72	12/11/72	6b
Social Security Administration: Limitation on construction (Trust fund)					
33,860	12,095	Yes	4/27/72	7/1/72	4,5
Special Institutions: Howard University					
54,046	3,714	yes	1/24/72	7/1/72	5
Department of Housing and Urban Development					
Housing Production and Mortgate Credit: Non-profit sponsor assistance					
1,100	6,686	Yes	1/26/73	1/26/73	5, 6b, 6c
Community Development: Open space land programs					
50,000	50,050	Yes	1/26/73	1/26/73	6b, 6c
Grants for basic water and sewer facilities					
100,000	400,175	Yes	1/26/73	1/26/73	6b, 6c
Rehabilitation loan fund					
71,539	50,000	Yes	1/26/73	1/26/73	6b, 6c
Public facility loans					
42,896	20,000	Yes	1/26/73	1/26/73	6b, 6c

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of Housing and Urban Development--Continued					
Office of Interstate Land Sales Registration: Interstate land sales					
---5/	2,341	Yes	1/26/73	1/26/73	4
Department of the Interior					
Bureau of Land Management: Public lands development roads and trails					
4,363	12,961	Yes	9/8/72	9/8/72	6d
Bureau of Indian Affairs: Construction					
45,377	31,467	Yes	1/26/73	1/26/73	6b
Bureau of Outdoor Recreation: Land and water conservation					
312,223	269,590	Yes	1/26/73	1/26/73	6b
Territorial Affairs: Trust Territories of the Pacific Islands					
63,903	10,000	Yes	1/26/73	1/26/73	6b
Geological Survey: Surveys, investigations, and research					
190,205	3,000	No	1/12/73	1/12/73	6b
Payments from proceeds, sale of water, Mineral Leasing Act of 1920					
---6/	24	Yes	9/8/72	9/8/72	4, 5
Bureau of Mines: Drainage of Anthracite mines					
200	3,700	Yes	6/27/72	7/1/72	4, 5
Bureau of Sport Fisheries and Wildlife: Migratory bird conservation, receipt limitation					
12,249	2,981	Yes	1/26/73	1/26/73	6b
Federal aid in wildlife restoration					
43,400	7,053	Yes	5/16/72	7/1/72	4, 5

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of the Interior--Continued					
Bureau of Sport Fisheries and Wildlife--Continued					
National wildlife refuge fund					
4,603	4,123	Yes	11/16/72	11/16/72	4, 5
Federal aid in fish restoration and management					
16,200	3,234	Yes	5/16/72	7/1/72	4, 5
National Park Service: Parkway and road construction					
39,500	50,949	Yes	6/27/72	7/1/72	6b,6d
Construction					
67,652	39,499	Yes	1/26/73	1/26/73	6b
Bureau of Reclamation: General investigations					
22,790	1,850	Yes	1/26/73	1/26/73	6b
Loan program					
19,894	930	Yes	1/26/73	1/26/73	6b
Construction and rehabilitation					
261,404	18,025	Yes	1/26/73	1/26/73	5,6b
Operations, maintenance and replacement of project works, North Platte project					
---7/	97	Yes	9/22/72	9/22/72	6e 8/
Lower Colorado River Basin development fund					
26,515	3,000	Yes	1/26/73	1/26/73	6b
Upper Colorado River Basin fund					
60,090	10,450	Yes	1/26/73	1/26/73	5, 6b
Office of Water Resources Research: Salaries and expenses					
14,304	2,040	No	1/26/73	1/26/73	6b

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of the Interior--Continued					
Office of the Secretary: Saline water research					
22,400	6,675	Yes	1/26/73	1/26/73	6b
Department of Justice					
Bureau of Prisons: Buildings and facilities					
65,514	36,441	Yes	1/26/73	1/26/73	5, 6b
Department of State					
Administration of Foreign Affairs: Acquisition, operation, and maintenance of buildings abroad					
42,122	2,125	Yes	11/24/72	11/24/72	4
Acquisition, operation, and maintenance of buildings abroad, Special foreign currency program					
5,713	2,950	Yes	1/3/73	1/3/73	5
International Organizations and Conferences: International conferences and contingencies					
3,224	325	Yes	11/15/72	11/15/72	4
Educational Exchange: Center for Cultural and Technical Interchange between East and West					
6,000	200	No	11/22/72	11/22/72	5
Educational exchange fund, payment by Finland WWI debt					
377	25	Yes	11/15/72	11/15/72	4
Department of Transportation					
Office of the Secretary: Transportation planning, research, and development					
31,163	8,300	Yes	1/18/73	1/18/73	4, 6b
Coast Guard: Operating expenses					
550,400	10,500	No	1/18/73	1/18/73	2, 6b

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of Transportation--Continued					
Coast Guard--Continued					
Acquisition, construction and improvements					
149,685	11,736	Yes	1/18/73	1/18/73	4, 6b
Reserve training					
30,465	1,270	No	1/18/73	1/18/73	2, 6b
Research, development test and evaluation					
15,468	3,000	Yes	1/18/73	1/18/73	4, 6b
Alteration of bridges					
3,550	10,550	Yes	1/18/73	1/18/73	4, 6b
Federal Aviation Administration: Operations					
1,180,393	6,000 4,000	No Yes	1/18/73	1/18/73	2, 6b 4, 6b
Facilities and equipment (Airport and Airway Trust)					
319,962	207,631	Yes	1/18/73	1/18/73	4, 6b
Research, engineering, and development (Airport and Airway Trust)					
57,493	10,000	Yes	1/18/73	1/18/73	4, 6b
Civil supersonic aircraft development					
800	2,153	Yes	1/18/73	1/18/73	4, 6b
Civil supersonic aircraft development termination					
4,161	3,575	Yes	1/23/73	1/23/73	4, 6b
Federal Highway Administration: Darien Gap highway					
20,000	545	Yes	1/18/73	1/18/73	4, 5
Federal-aid highway					
4,467,000	2,477,372	Yes	1/8/73	1/8/73	6c
Right-of-Way Revolving Fund					
50,000	122,782	Yes	1/18/73	1/18/73	4

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Department of Transportation--Continued					
National Highway Traffic Administration: Traffic and highway safety					
76,885	2,927	No	1/19/73	1/19/73	1
Construction of compliance facilities					
---9/	9,018	Yes	1/19/73	1/19/73	4, 5
Trust fund share of highway safety programs					
80,925	1,073	No	1/19/73	1/19/73	1, 5
Federal Railroad Administration: High speed ground transportation research and development					
42,979	15,000	Yes	1/19/73	1/19/73	4, 6b
Grants to National Railroad Passenger Corporation					
103,100	10,000	Yes	1/19/73	1/19/73	4, 6b
Urban Mass Transportation Administration: Urban mass transportation fund					
980,000	20,000	Yes	1/17/73	1/17/73	4, 6b
Department of the Treasury					
Office of the Secretary: Construction, Federal Law Enforcement Training Center					
1,840	21,517	Yes	6/28/72	7/1/72	5, 6b
Expenses of administration of settlement of War Claims Act of 1928					
22	2	Yes	4/30/72	7/1/72	2
Bureau of the Mint: Construction of mint facilities					
1,784	2,517	Yes	8/21/72	8/21/72	5
Atomic Energy Commission					
Operating expenses					
2,861,569	307,750	Yes	1/19/73	1/19/73	2, 5, 6b
Plant and capital equipment					
542,871	8,530	Yes	1/19/73	1/19/73	2, 5

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Environmental Protection Agency					
Operations, research, and facilities					
108,434	1,780	Yes	1/4/73	1/4/73	5
General Services Administration					
Real Property Activities: Sites and expenses, Public buildings projects					
38,387	22,206	Yes	1/26/73	1/26/73	4
Construction, Public buildings projects					
133,213	234,309	Yes	1/26/73	1/26/73	2,4
Property Management and Disposal Activities: Operating expenses					
4,418	4,000	Yes	11/30/72	11/30/72	4
General activities					
1,000	800	No	11/30/72	11/30/72	1
National Aeronautics and Space Administration					
Research and development					
2,864,358	32,515	Yes	9/13/72	9/13/72	2,4,5,6b
Veterans Administration					
Medical and prosthetic research					
75,824	4,818	Yes	1/26/73	1/26/73	5
Medical administration and miscellaneous operating expenses					
27,952	837	No	1/26/73	1/26/73	1
Construction, major projects					
65,993	60,000	Yes	12/20/72	12/20/72	5
Construction, minor projects					
50,000	5,000	Yes	12/20/72	12/20/72	5

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Other Independent Agencies					
District of Columbia: Capital outlay, metropolitan area sanitary area work funds					
6,252	300	Yes	8/7/72	8/7/72	4
Loans for capital outlay, sanitary sewage					
28,000	4,285	Yes	8/7/72	8/7/72	4
Loans for capital outlay; water fund					
8,433	2,360	Yes	8/7/72	8/7/72	4
Loans for capital outlay, general fund					
137,000	6,758	Yes	1/26/73	1/26/73	4
Federal Communications Commission: Salaries and expenses					
35,443	460	No	9/5/72	9/5/72	5
Federal Metal and Non/metalic Safety Board of Review: Salaries and expenses					
75	85	No	9/8/72	9/8/72	1
Federal Trade Commission: Salaries and expenses					
29,874	400	No	9/21/72	9/21/72	5
Foreign Claims Settlement Commission: Salaries and expenses					
693	50	No	11/14/72	11/14/72	1
Payments to Vietnam and U.S.S. Pueblo prisoner of war claims					
23	150	Yes	9/2/71	7/1/72	1
American Revolution Bicentennial Commission: Commemorative activities fund					
3,960	5,690	Yes	11/28/72	11/28/72	5
International Radio Broadcasting: International radio broadcasting activities					
38,520	275	No	11/6/72	11/6/72	2,6e 10/

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Other Independent Agencies--Continued					
National Science Foundation: Salaries and expenses					
611,273	60,400	Yes	1/18/73	1/18/73	2,5,6b
Scientific activities, Special foreign currency program					
5,000	2,000	Yes	1/18/73	1/18/73	2
Railroad Retirement Board: Limitation on railroad unemployment administration fund					
8,568	4,820	Yes	7/1/72	7/1/72	6e 11/
Renegotiation Board: Salaries and expenses					
4,842	45	No	9/5/72	9/5/72	5
Small Business Administration: Salaries and expenses					
107,232	3,217	No	11/24/72	11/24/72	1, 2, 6b
Business loan and investment fund					
593,678	48,017	Yes	1/26/73	1/26/73	2, 4, 6b
Temporary Study Commission: Commission on Executive, Legislative, and Judicial Salaries, Salaries and expenses					
25	75	No	1/11/73	1/11/73	5
Commission on the Organization of the Government for the Conduct of Foreign Policy, Salaries and expenses					
--- 12/	200	No	11/30/72	11/30/72	5
Tennessee Valley Authority: Payment to Tennessee Valley Authority Fund					
94,564	22,318	Yes	1/26/73	1/26/73	6a,6b,6c
United States Information Agency: Salaries and expenses, Special foreign currency program					
12,186	2,533	Yes	11/22/72	11/22/72	4
Special international exhibits					
5,827	667	Yes	11/22/72	11/22/72	4
Special international exhibits, Special foreign currency program					
391	6	Yes	11/22/72	11/22/72	4

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Authority and reason for reserve
Water Resources Council: Water resources planning					
6,486	863	Yes	1/26/73	1/26/73	2,5,6b

1/ Funds have not been apportioned while awaiting the completion of negotiations with the Government of Israel.

2/ P.L. 92-571, "Making further continuing appropriations for fiscal year 1973, and for other purposes," includes a limitation on obligations of $5 million. The reserve will remain in effect until Congress completes final action on its annual limitation on the Foundation's activities.

3/ P.L. 92-399, "Agriculture-Environmental and Consumer Protection Appropriation Act, 1973" requires the creation of certain reserves pending such circumstances as the provision of matching funds by the States, the determination of qualified and necessary projects, the determination of the availability of qualified personnel, and the determination of need.

4/ The Census of Agriculture has been postponed until 1977 to coincide with the economic censuses.

5/ Fees deposited to the Interstate land sales account are used only to the extent funds are not sufficient in the appropriation for Salaries and expenses, Housing Production and Mortgage Credit Programs.

6/ The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.

7/ No improvements are currently necessary. (See footnote 8/).

8/ 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project works and to defray annual operating and maintenance expenses when necessary.

9/ Construction is deferred pending evaluation of the alternatives of lease versus direct construction.

10/ P.L. 92-544, "Department of State Appropriation Act, 1973" provides these funds for the activities of a commission. However, P.L. 92-394, "United States Information and Educational Exchange Act of 1948, Amended" authorizes funds in this account to be spent only on grants.

11/ 45 U.S.C. 361 authorizes the Railroad Retirement Board to use funds from the Unemployment Trust Fund of 0.25% of the taxable payroll of railroad workers for the administrative expenses of operating the railroad unemployment insurance fund. The amount apportioned represents the actual operating requirements. If the remainder of this formula-based authorization (currently in reserve) is not needed, it will be returned to the Unemployment Trust Fund.

12/ The Commission is not yet in operation.

As of
January 29, 1973

SUMMARY OF BUDGETARY RESERVES

(Dollars in millions)

Agency	Amount
Executive Office of the President	3
Funds Appropriated to the President	127
Department of Agriculture	1,497
Department of Commerce	181
Department of Defense--Military	1,899
Department of Defense--Civil	118
Department of Health, Education, and Welfare	35
Department of Housing and Urban Development	529
Department of the Interior	482
Department of Justice	36
Department of State	6
Department of Transportation	2,937
Department of Treasury	24
Atomic Energy Commission	316
Environmental Protection Agency	2
General Services Administration	261
National Aeronautics and Space Administration	33
Veterans Administration	71
Other Independent Agencies:	
National Science Foundation	62
Small Business Administration	51
All other	52
Total	8,723

[FR Doc.73-2508 Filed 2-5-73;4:22 pm]