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PART I

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HIGHLIGHTS OF THIS ISSUE

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

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

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PROCLAMATION 4186

American Heart Month, 1973

By the President of the United States of America

A Proclamation

Diseases of the heart and blood vessels impose an intolerable burden on the American people. They afflict one-eighth of our population—more than 27 million citizens. With every 30 seconds that pass, cardiovascular diseases claim another American life. The toll for 1973 will be staggering: more than one million lives, more than 200 million man-years lost from work and some $30 billion in lost income and the cost of medical care.

In 1948, the National Heart Act launched a nationwide effort to help alleviate this burden. This landmark bill created the Federal Government's National Heart Institute, bringing the public sector into a close alliance with the private sector, as exemplified by the American Heart Association, a national voluntary health agency.

In the nearly twenty-five years that have followed, science and medicine have made dramatic advances against this dread enemy. As cardiovascular medicine and surgery have undergone sweeping changes, new hope has been given to thousands of heart patients. Still heart and blood vessel diseases remain our Nation's deadliest health threat, and our cardiovascular disease rate is the second highest in the world.

June of this year will mark the twenty-fifth anniversary of the National Heart Act. On September 19, 1972, I signed into law a greatly expanded version of this authorization—the National Heart, Blood Vessel, Lung, and Blood Act of 1972—calling for significant increases in cardiovascular research and prevention programs. This legislation marks yet another milestone in our continued fight against preventable heart attack and stroke.

To encourage a continuing effective attack on cardiovascular diseases, the Congress, by a joint resolution approved December 30, 1963 (77 Stat. 843), requested the President to issue annually a proclamation designating February as American Heart Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of February,

1973, as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States to consider fully the nationwide problem of cardiovascular diseases, and to support programs essential to bring about its solution.

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

Richard Nixon

[FR Doc.73-2518 Filed 2-5-73;4:53 pm]

Rules and Regulations

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-AL-2]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the effective hours of the Kotzebue, Alaska, control zone.

The hours of operation of the Kotzebue Flight Service Station are being temporarily reduced from 24 hours to 16 hours per day because of temporary personnel losses. This change in FSS operating hours requires the control zone to be amended to part-time status since weather observation and air traffic control communications will not be available from midnight to 0800 local time. Therefore, the control zone hours of designation are redescribed to coincide with the availability of air-ground communications and weather reporting service.

As a situation exists which demands immediate action in the interest of safety in air commerce, compliance with the notice and public procedure provisions of the Administrative Procedures Act is impracticable, and for that reason good cause exists for this amendment to become effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351) the Kotzebue, Alaska, control zone is amended by adding "This control zone is effective from 0800 to 2400 hours local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska."

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

Issued in Anchorage, Alaska, on January 29, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.73-2333 Filed 2-6-73;8:45 am]

[Airspace Docket No. 73-SW-8]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Roswell, N. Mex., control zone.

In February 1968, the Roswell control zone, which had been a full-time, 24-hour control zone, became a part-time control zone. This action was necessary due to a combining of the Walker AFB and Roswell Municipal Airport control zones. It was at this time that Walker AFB was declared to be a surplus facility and given to the City of Roswell, N. Mex., which assumed its operation. This airport was then renamed Roswell Industrial Air Center, and the control tower operations were similarly transferred to this new airport. As suitable quarters at Roswell Industrial Air Center were not available for personnel of the Roswell Flight Service Station and those of the Weather Bureau, these facilities remained at the former municipal airport location.

Control tower personnel of the Roswell Industrial Air Center were certified as weather observers and provided the weather observations necessary to maintain the control zone at Roswell Industrial Air Center; however, as the control tower was a part-time facility, the control zone was subsequently changed from a full-time to a part-time control zone (68-SW-6).

It was necessary to amend the Roswell, N. Mex., control zone description by including the statement, "This control zone will be effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continually published in the Airman's Information Manual."

Offices of the Roswell Flight Service Station have now been moved to the Roswell Industrial Air Center. These personnel are federally certified weather observers and are now providing full-time weather observations, enabling the control zone to again become a full-time control zone.

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

In § 71.171 (38 FR 351), the Roswell, N. Mex., control zone is amended by deleting "This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

A Notice to Airmen will be issued specifying the changed effective hours of the Roswell, N. Mex., control zone.

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

Issued in Fort Worth, Tex., on January 26, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-2334 Filed 2-6-73;8:45 am]

[Airspace Docket No. 73-SW-7]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Gallup, N. Mex., control zone.

The control zone at Gallup, N. Mex., has previously operated as a part-time control zone with employees of Frontier Airlines providing the necessary weather observing/reporting functions.

Recent changes have been effected at Gallup, N. Mex., which now afford full-time weather observation/reporting functions as provided by personnel of the recently established Gallup, N. Mex., Flight Service Station. This necessitates a change in the description of the control zone at Gallup, N. Mex., which is now a full-time control zone rather than a part-time control zone.

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

In § 71.171 (38 FR 351), the Gallup, N. Mex., control zone is amended by deleting "This control zone is effective during the dates and times published in the Airman's Information Manual."

A Notice to Airmen will be issued specifying the changed effective hours of the Gallup, N. Mex., control zone. The control zone entries displayed on the low altitude en route chart and the Albuquerque Sectional Aeronautical Chart will be removed at the earliest charting date.

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

Issued in Fort Worth, Tex., on January 26, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-2335 Filed 2-6-73;8:45 am]

[Airspace Docket No. 72-SO-2]

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

Designation of Control Area

On December 1, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 25530) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a control area off the coast of North Carolina that would include the airspace in Warning Areas W-122 A, B, and C.

Interested persons were afforded an opportuinty to participate in the proposed rule making through the submission of comments. All comments received were favorable. Subsequent to the publication of the NPRM it was determined that the control area should be assigned a name rather than a control number to more accurately indicate its intended use.

The lateral and vertical dimensions of the control area remain the same as proposed.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 29, 1973, as hereinafter set forth.

In § 71.163 (38 FR 344), the Wilmington, N.C., additional control area is added as follows:

WILMINGTON, N.C.

That airspace extending upward from 2,000 feet MSL bounded on the northeast by Control Area 1181, on the southeast by the New York Oceanic CTA/FIR boundary, on the south by Control Area 1152, on the west by Control Area 1151, and on the northwest by a line 3 nautical miles from and parallel to the shoreline.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 FR 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Washington, D.C., on January 30, 1973.

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

[FR Doc.73-2332 Filed 2-6-73;8:45 am]

[Airspace Docket No. 72-EA-112]

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

Alteration of Control Zone and Transition Area

On page 25175 of the FEDERAL REGISTER for November 28, 1972, the Federal Aviation Administration published proposed regulations which would alter the Philipsburg, Pa., control zone (38 F.R. 351) and transition area (38 FR 435).

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

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

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

Issued in Jamaica, N.Y., on January 18, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Philipsburg, Pa., control zone and insert the following in lieu thereof:

Within a 6-mile radius of the center, 40°53'00" N., 78°05'15" W. of Mid-State Airport, Philipsburg, Pa.; within 4 miles each side of a 327° bearing from a point 40°53'09" N., 78°05'06" W., extending from said point to a point 8.5 miles northwest.

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

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°53'00" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., extending clockwise from a 270° bearing to a 300° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 300° bearing to a 180° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 180° bearing to a 210° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 210° bearing to a 270° bearing from the airport; within 3.5 miles each side of a 340° bearing from the Ginter RBN, extending from the RBN to 10 miles north of the RBN; within 3.5 miles each side of the Philipsburg VORTAC 067° radial, extending from the VORTAC to 11.5 miles northeast of the VORTAC; within 4 miles each side of a 327° bearing from a point 40°53'09" N., 78°05'06" W., extending from said point to a point 8.5 miles northwest.

[FR Doc.73-2330 Filed 2-6-73;8:45 am]

[Airspace Docket No. 72-RM-30]

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

Alteration of Control Zone

On December 1, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25530) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Salt Lake City, Utah, control zone, Salt Lake City, Utah.

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

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

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

Issued in Aurora, Colo., on January 22, 1973.

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

In § 71.171 (38 FR 351) the description of the Salt Lake City, Utah, control zone is amended to read as follows:

SALT LAKE CITY, UTAH

Within a 5-mile radius of the Salt Lake International Airport (latitude 40°47'10" N., longitude 111°58'00" W.) and within 2.5 miles each side of the Salt Lake City VORTAC 003° radial extending from the 5-mile radius zone to 2 miles north of the VORTAC.

[FR Doc.73-2329 Filed 2-6-73;8:45 am]

[Airspace Docket No. 72-NW-24]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Designation of Federal Airway

On December 1, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 25532) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would divide Restricted Area R-6714 into two parts and designate a south alternate to a segment of VOR Federal airway V-448 between Yakima and Moses Lake, Wash.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., April 26, 1973, as hereinafter set forth.

1. In § 71.123 (38 FR 307) V-448 is amended by deleting "Moses Lake, Wash.;" and substituting "Moses Lake, Wash., including a south alternate via the INT of the Yakima 129° and Ephrata, Wash., 203° radials to the INT of the Ephrata 203° and Moses Lake 238° radials;" therefor.

2. In § 73.67 (38 FR 675), Restricted Area R-6714 Yakima, Wash. (heading and text), is deleted and the following is substituted therefor:

R-6714A YAKIMA, WASH.

Boundaries:
Beginning at latitude 46°51'00" N., longitude 119°58'00" W.; along the west shore of the Columbia River to latitude 46°42'30" N., longitude 119°58'00" W.; to latitude 46°33'-00" N., longitude 120°04'00" W.; to latitude 46°33'00" N., longitude 120°09'00" W.; to latitude 46°36'22" N., longitude 120°18'50" W.; to latitude 46°40'35" N., longitude 120°-26'35" W.; to latitude 46°43'00" N., longitude 120°26'38" W.; to latitude 46°51'00" N., longitude 120°21'30" W.; to latitude 46°-51'00" W., longitude 120°16'30" W.; to latitude 46°54'30" N., longitude 120°15'00" W.; clockwise along the arc of a 12-mile radius circle centered at latitude 46°44'45" N., longitude 120°20'00" W.; to latitude 46°51'00" N., longitude 120°08'30" W.; to point of beginning.

Designated altitudes: Surface to 29,000 feet MSL.

Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Seattle ARTC Center.
Using agency: Commanding General, Fort Lewis, Wash.

R-6714B YAKIMA, WASH.

Boundaries:
Beginning at latitude 46°42'30" N., longitude 119°58'00" W.; along the west shore of the Columbia River to latitude 46°39'00" N., longitude 119°55'30" W.; to latitude 46°33'-00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 120°04'00" W.; to the point of beginning.
Designated altitudes: Surface to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Seattle ARTC Center.
Using agency: Commanding General, Fort Lewis, Wash.

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

Issued in Washington, D.C., on January 30, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-2331 Filed 2-6-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Nitrophenide; Revocation

Based on a notice of withdrawal of approval of a new animal drug application (Docket No. FDC-D-477) appearing elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended to revoke provisions for the use of nitrophenide in animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343-351; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), § 144.26 Animal feeds bearing or containing new animal drugs subject to the provisions of section 512(n) of the act is amended in paragraph (b)(1) by revoking subdivision (ii) and in paragraph (b)(2) by revoking subdivision (ii).

On or before March 9, 1973, any person who will be adversely affected by the removal of any such drug from the market may file objections to this order stating reasonable grounds for their objections and may request a hearing on such objections. Objections and request for a hearing should be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852.

If a hearing is requested, the objections must identify the claimed errors in the NAS/NRC evaluation and any adequate and well-controlled investigations which would indicate conclusively that the combination drug would have the claimed effectiveness. Objections and requests for a hearing which are received in response to this order may be seen in the above office during business hours, Monday through Friday.

(Secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343-351; 21 U.S.C. 357, 360b)

Effective date. This order shall become effective on March 19, 1973.

Dated: January 29, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-2313 Filed 2-6-73;8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Reg. 7]

PART 207—LIMITATION ON THE EMPLOYMENT OF THIRD COUNTRY NATIONALS FOR CONSTRUCTION WORK FROM UNITED STATES FOREIGN ASSISTANCE FUNDS

Part 207 of Chapter II, Title 22 (A.I.D. Reg. 7) is revised to read as follows:

Sec.
207.1 Definitions.
207.2 Scope of this part.
207.3 Policy: Limitation on the employment of third country nationals.
207.4 Procedure.
207.5 Waiver in the national interest.

AUTHORITY: Sec. 118 of the Foreign Aid and Related Agencies Appropriation Act, 1964 77 Stat. 857, 850 and delegations of authority from the President, E.O. 10973, 26 FR 10469, and the Secretary of State (Delegation of Authority No. 104, 26 FR 10608), are reissued under the authority of section 109 of the Foreign Aid and Related Agencies Appropriation Act, 1972 (86 Stat. 48), section 621 of the Foreign Assistance Act of 1961 (75 Stat. 424, as amended, 22 U.S.C. 2381), and the above-mentioned delegations of authority.

§ 207.1 Definitions.

The following definitions apply to this regulation:

(a) "Act" means the Foreign Aid and Related Agencies Appropriation Act, 1964, or any other Act which operates to make funds available for purposes of foreign assistance and to which a restriction applies which is identical with or substantially similar to the restriction contained in section 118 of the Foreign Aid and Related Agencies Appropriation Act, 1964.

(b) "Borrower/grantee" means the government of any recipient country or any agency, instrumentality or political subdivision thereof, or any private entity to which the United States directly makes funds available by loan or grant.

(c) "Construction work" means work performed in any less-developed country for the United States or for a borrower/grantee in building, expanding, installing, repairing, or altering a physical facility.

(d) "Direct costs" means total expenditures for labor employed for work at the site of construction, excluding only the professional services of an independent architect or engineer.

(e) "Excessive costs" means a difference of at least 15 percent between projected total construction costs (excluding the cost of an independent architect or engineer) computed with the limited use of third country nationals and similar costs computed with the unlimited use of third country nationals to perform construction work under the contract in question.

(f) "Invitation for bids" means any public announcement, advertisement or formal invitation to participate in competitive bidding or any informal request for proposals.

(g) "National of the recipient country" means any individual who is recognized by the government of the recipient country as a national (of any type or degree) of that country and includes any individual who has resided in the recipient country uninterruptedly for a period immediately preceding the date of any determination hereunder longer than 3 years.

(h) "Recipient country" means the country in which the site of construction is located.

(i) "Regional Assistant Administrator" means the head of a regional bureau within the Agency for International Development or an official of comparable rank in any other agency of the United States which is responsible for the administration of construction activities financed from funds made available by the Act.

(j) "Third country national" means an individual who is not a citizen of the United States or a national of the recipient country or a citizen of a country included within Code 941 as defined in the A.I.D. Geographic Code Book.

§ 207.2 Scope of this part.

(a) This part shall apply to contracts for construction work financed under development loans authorized after September 15, 1970, and to contracts under other loans to which this part is made applicable by amendment to the loan or other appropriate action.

(b) This part shall not apply to (1) direct contracts by the United States, (2) contracts financed by grant funds, or (3) contracts financed by loan funds authorized before September 15, 1970, to which the provisions of this part have not been made applicable. As to such contracts, this part as in effect on September 14, 1970, shall be applicable.

§ 207.3 Policy: Limitation on the employment of third country nationals.

The United States will not finance out of funds made available by the Act the direct costs of construction work performed in whole or in part by third country nationals in any less-developed country unless:

(a) The total estimated price or projected total costs of the project with which the construction work is associated (excluding the cost of an independent architect or engineer) do not exceed $250,000; or

(b) At least 80 percent of all persons (excluding nationals of the recipient country) who work under the contract at the site of construction are citizens of the United States or of Code 941 countries; or

(c) The employment of third country nationals is necessary for the avoidance of excessive costs to the United States.

§ 207.4 Procedure.

(a) *General.* For each construction contract which will be financed from funds made available by the Act and which is associated with a project having a total estimated price or projected total costs over $250,000 which will be financed from funds made available by the Act, the Regional Assistant Administrator, or his delegate, in consultation with the borrower/grantee, shall choose for implementation one of the three procedures set forth below in this section.

(b) *Procedure 1: Limited bid.* The invitation for bids which the U.S. Government issues or approves will include the substance of the following:

Citizens of the United States and of Code 941 countries shall comprise 80 percent of all persons who work under the contract at the site of construction, whether employed by the contractor directly or by a subcontractor, excluding from this computation:

1. Nationals of (_____ (name of recipient country)), as determined under the law of (_____ (name of recipient country)); and

2. Individuals who have resided in (_____ (name of recipient country)) uninterruptedly for a period (immediately preceding the date of any determination hereunder) longer than 3 years.

The contractor shall provide to (_____ (name of agency of the U.S. Government)), upon its request, all appropriate information pertaining to the above contract term.

If citizens of the United States and of Code 941 countries shall at any time comprise less than 80 percent of all persons employed on the project (as determined above), the contractor shall refund to (_____ (name of agency of the U.S. Government or name of the borrower/grantee, as appropriate)) an amount equal to 15 percent of the total cost of all labor employed for work at the site of construction for the period during which such deficiency occurred.

(c) *Procedure 2: Limited and unlimited bids.* The invitation for bids which the U.S. Government issues or approves will include the substance of the following:

If the bidder agrees to undertake that at least 80 percent of all persons who work under the contract at the site of construction, whether employed by the contractor directly or by a subcontractor, will be citizens of the United States and of Code 941 countries, excluding from this computation:

1. Nationals of (_____ (name of recipient country)), as determined under the law of (_____ (name of recipient country)); and

2. Individuals who have resided in (_____ (name of recipient country)) uninterruptedly for a period (immediately preceding the date of any determination hereunder) longer than 3 years,

the bidder shall write upon the bid "limited bid".

If the bidder does not agree to the above undertaking, he shall write upon the bid "unlimited bid". A bidder who submits an unlimited bid may also submit a limited bid.

An unlimited bid will be accepted only if projected total construction costs under the unlimited bid are at least 15 percent less than similar costs in the lowest responsive bid submitted by any contractor.

A bidder whose limited bid is accepted agrees to provide to (_____ (name of agency of the U.S. Government)), upon its request, all appropriate information pertaining to the above contract term. If citizens of the United States and of Code 941 countries shall at any time comprise less than 80 percent but more than 60 percent of all persons employed on the project (as determined above), the contractor shall refund to (_____ (name of agency of the U.S. Government or name of the borrower/grantee, as appropriate)) an amount equal to 15 percent of the total cost of all labor employed for work at the site of construction for the period during which such deficiency occurred. This refund shall be increased to 15 percent of total construction costs, if citizens of the United States and of Code 941 countries shall at any time comprise less than 60 percent of all persons employed on the project (as determined above).

(d) *Procedure 3: Preliminary determination.* (1) The Regional Assistant Administrator, or his delegate may determine before the opening of bids submitted in response to a formal invitation that the employment of third country nationals is necessary for the avoidance of excessive costs to the United States. This determination may be made in reliance upon information received pursuant to

(i) A qualification procedure for contractors prior to the submission of formal bids; or

(ii) Any other procedure which the Regional Assistant Administrator has declared to be appropriate for the case in question.

(2) Every determination under subparagraph (1) of this paragraph shall be retained in an appropriate contract file.

§ 207.5 Waiver in the national interest.

(a) *Authority.* (1) The Regional Assistant Administrator may waive the applicability of this regulation to a specific country or to several countries within a regional association as being important to the national interest of the United States:

(i) When it is illegal under the laws of the recipient country to exclude any third country nationals from equal employment with nationals of the recipient country, or

(ii) When the nationals of such associated countries are mutually or reciprocally granted rights of equal employment with nationals of the recipient country.

(2) The Regional Assistant Administrator may waive the applicability of this regulation in any specific case, i.e., contract, loan, etc. in which he determines that it is important to the national interest of the United States that the direct costs of construction work performed by third country nationals be financed out of funds made available by the Act.

(3) The authority set forth in subparagraphs (1) and (2) of this paragraph may be delegated to the principal deputy of the Regional Assistant Administrator but may not be further redelegated.

(b) *Guidelines.* In making any determination pursuant to paragraph (a)(2) of this section, the Regional Assistant Administrator shall be guided by all relevant considerations, including one or more of the following:

(1) The security interest of the United States, especially with respect to the construction of defense installations, communications facilities or other projects of a nature substantially related to the defense requirements of the United States, including in this regard whether the use of third country nationals would appreciably accelerate such construction or would otherwise serve the security interest of the United States;

(2) The urgency of the proposed construction, especially following any disaster in the recipient country, and the extent to which the employment of third country nationals would appreciably accelerate such construction;

(3) [Reserved]

(4) The views of other donor powers or lending-institution participants (including the recipient country) in the financing of the construction in question, especially in instances where the United States will finance less than 50 percent of the cost of the construction;

(5) The attainment of U.S. foreign policy objectives and the objectives of the Foreign Assistance Program.

These amendments shall be effective as of September 15, 1970.

Dated: January 30, 1973.

MAURICE J. WILLIAMS,
Deputy Administrator.

[FR Doc.73-2354 Filed 2-6-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

Additional Records To Be Made and Retained by Banks; Correction

In the document appearing at page 2174 in the issue for Monday, January 22, 1973, the following change should be made:

Section 103.34(b)(7) should read as follows:

§ 103.34 **Additional records to be made and retained by banks.**

* * * * *

(b) * * *

(7) Each check or draft in an amount in excess of $10,000 drawn on or issued by a foreign bank which the domestic bank has paid or presented to a nonbank drawee for payment.

* * * * *

[SEAL] SAMUEL R. PIERCE, Jr.,
General Counsel.

EDWARD L. MORGAN,
Assistant Secretary.

JANUARY 31, 1973.

[FR Doc.73-2369 Filed 2-6-73; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CG 72-119R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Mare Island Strait, Vallejo, Calif.

This amendment changes the regulations for the U.S. Navy bascule bridge across Mare Island Strait, mile 2.8 to provide that the draw need not open from 10 p.m. to 6:30 a.m., unless at least 2 hours notice is given. This amendment was circulated as a public notice dated July 17, 1972 by the Commander, 12th Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 72-119P) on June 30, 1972 (37 F.R. 12968). Eight comments were received. One supported the proposal. Three responses had no comment or no objection. Two objected on the grounds that the advance notice required from 10 p.m. to 6:30 a.m., would be unduly restrictive, however the Coast Guard feels that this is reasonable in view of the limited passages during this time. Two objected to the proposal but these objections were withdrawn when the bridge owner assured passage when prearrangements had been made.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising subparagraph (1) of paragraph (i) of § 117.712 to read as follows:

§ 117.712 **Tributaries of San Francisco Bay and San Pablo Bay, Calif.**

* * * * *

(i) * * *

(1) U.S. Navy Bridge (Mare Island Causeway) at Vallejo. (i) The draw shall open on weekdays on signal from 7:30 a.m. to 3:45 p.m., and 4:45 p.m. to 10 p.m. and from 6:30 a.m. to 10 p.m. on Saturdays, Sundays, and holidays.

(ii) From 6:30 a.m. to 7:30 a.m. and 3:45 p.m. to 4:45 p.m., daily, except Saturdays, Sundays, and holidays, the draw need not open for the passage of vessels other than public vessels of the United States.

(iii) From 10 p.m. to 6:30 a.m., daily, the draw shall open on signal if at least 2 hours notice is given.

* * * * *

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

Effective date. This revision shall become effective on March 12, 1973.

Dated: February 1, 1973.

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

[FR Doc.73-2368 Filed 2-6-73; 8:45 am]

[COD 12-73-1R]

PART 127—SECURITY ZONES

San Francisco Bay, Calif.

This amendment to the Coast Guard's Security Zone Regulations, establishes waters of San Francisco Bay, including the waters surrounding aircraft carrier pier, Alameda Naval Air Station, Alameda, Calif., as a security zone. This security zone is established to prevent interference with the sailing of the U.S.S. *Coral Sea* CVA-43.

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 § 127.1201, to read as follows:

§ 127.1201 **San Francisco Bay.**

The areas within the following boundary is a security zone: A line beginning from a point on the shore at 37°46'53" N. latitude, 122°19'49" W. longitude; eastward along the Alameda Naval Air Station shoreline to 37°46' N. latitude, 122°17'20" W.; thence westward to 37°46' N. latitude, 122°19'53" W.; thence northerly to 37°46'25" N. latitude, 122°19'43" W. longitude (Alameda Naval Air Station Channel Lighted Buoy 4); thence to 37°46'36" N. latitude, 122°19'42" W. longitude (Alameda Naval Air Station Channel Lighted Buoy 3); thence to the point of beginning, while the U.S.S. *Coral Sea* CVA-43 is moored at the aircraft carrier pier, Alameda Naval Air Station, Alameda, Calif., and a rectangular area around the *Coral Sea* circumscribed by a line 2,000 yards from the bow, 500 yards from either side and 1,500 yards from the stern of the U.S.S. *Coral Sea* while the U.S.S. *Coral Sea* is underway in San Francisco Bay and approaches thereto.

(46 Stat. 220, as amended, section 1, 63 Stat. 503, section 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. 10350, 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 0600 P.s.t., February 9, 1973, to 1200 P.s.t., February 9, 1973.

Dated: February 1, 1973.

MARK A. WHALEN,
VADH, U.S. Coast Guard, Commander, Twelfth Coast Guard District, San Francisco, Calif.

[FR Doc.73-2395 Filed 2-6-73; 8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

Road Closures

Section 212.7(a)(3), Part 212 of Title 36, Code of Federal Regulations is revised to read as follows:

§ 212.7 **Road system management.**

(a) *Traffic rules.* * * *

(3) *Closures.* The Chief may close roads, or segments thereof, under the jurisdiction of the Forest Service to all vehicle use or to use by certain classes of vehicles. Notice of closures shall be posted at the entrances to such roads or road segments and be available to the public at the offices designated in § 200.7 of this chapter. Using vehicles upon any road during any period when such road is closed to such vehicles is prohibited.

* * * * *

This revision consists of the addition of the last sentence which reinstates prohibitive language in § 212.7(a)(3). This prohibitive language was present in § 261.4 but was inadvertently omitted when § 261.4(h) was reworded and moved to § 212.7(a)(3) on January 18, 1972 (37 FR 737).

In accordance with the exception provided in the Department of Agriculture's policy (36 FR 13804), it has been found and determined that rule making procedures contained in 5 U.S.C. 553 would be unnecessary.

(26 Stat. 1103, 16 U.S.C. 471; 30 Stat. 35, 36, 16 U.S.C. 478, 551; 50 Stat. 526, 7 U.S.C. 1011(f); 72 Stat. 885, as amended, 23 U.S.C. 101, 205; 78 Stat. 1089, 16 U.S.C. 532-538; 74 Stat. 215, 16 U.S.C. 528-531)

Effective date. This revision takes effect February 10, 1973.

T. K. COWDEN,
Assistant Secretary of Agriculture.

FEBRUARY 2, 1973.

[FR Doc.73-2347 Filed 2-6-73; 8:45 am]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Docket No. RM73-2]

PART 3001—RULES OF PRACTICE AND PROCEDURE

Limited Participation in Commission Proceedings by Persons Not Parties

FEBRUARY 6, 1973.

In the advance notice of rulemaking regarding proposed revisions to rules of practice and procedure, Docket No. RM 73-2, published in the FEDERAL REGISTER on August 16, 1972 (37 FR 16554), the Commission invited interested parties to submit comments for revision of procedural provisions of the Commission's rules of practice and procedure. Proposals were received for revising a number of rules, and these are currently under consideration.

Expressly referred to in the notice was a proposal to allow limited participation in Commission proceedings, permitting a person who did not choose to avail himself of the full hearing rights granted formal parties a means for placing before the Commission his position on any of the issues in the case. This proposal assumed special significance in light of the forthcoming classification case, notice of which was published in the FEDERAL REGISTER on January 30, 1973 (38 FR 2800). Accordingly, this aspect of Docket No. RM73-2 is being considered at this time independently of the other matters in the docket.

Commenting in favor of a rule allowing limited participation were Second Class Mail Publications, Inc., American Retail Federation, Fairchild Publications, Inc. and Magazine Publishers Association. The Postal Service also supported the concept but argued that the persons having such status must "accept the lesser rights which that status confers along with the lesser obligations it imposes."[1] No comments opposing the adoption of such a rule were received. In essence what supporters of the rule seek is the opportunity to state their views on the record without incurring the burdens in effort and expense that full participation in lengthy and complex proceedings frequently entails. Their comments do not set forth with any specificity what the scope of such participation should be; but they cite as examples of what they seek 14 CFR 302.14(b) and 49 CFR 1100.73, rules of the CAB and ICC, respectively, which provide for limited intervention in the proceedings of those agencies.

As indicated in the notice, the Commission favors a relaxation of the rules to allow limited participation by those who do not desire to become full parties to our proceedings. At the same time we recognize, as do the proponents of the rule,[2] the merits of the Postal Service view that such a rule should not be one-sided. Otherwise it could become a means for securing the advantage of full-party status while avoiding the obligations placed on such parties. We believe the rights and limitations being prescribed strike an appropriate balance.

Persons who choose to avail themselves of the status of limited participators will have an adequate opportunity to submit evidence and state their position on the issues without unduly delaying the progress of the hearing or imposing unwarranted burdens on formal parties. The Commission wishes to emphasize, however, that the rules establish significant differences between formal parties and limited participators, particularly in connection with discovery and the opportunity to be heard following issuance of an intermediate decision. Persons contemplating limited participation under the new rules should be mindful of the restrictions placed on their participation in the Commission proceeding and also of the effect their decision may have on their standing to seek appellate review under 39 U.S.C. 3628.

Pursuant to section 3603 of the Postal Reorganization Act, 39 U.S.C. 3603, it is ordered that the rules of practice and procedure are amended as set forth below. Since the amendments are procedural in nature, notice and public procedure thereon are not required, and it is therefore further ordered that they shall become effective on February 7, 1973. Accordingly, in light of the foregoing findings, and after careful consideration of the comments received, the Commission hereby amends Part 3001 of its regulations (39 CFR Part 3001), as follows:

1. Amend the table of contents by adding a new § 3001.19a Limited participation by persons not parties as follows:

Sec.

3001.19a Limited participation by persons not parties.

2. Revise § 3001.5(h) to read:

§ 3001.5 Definitions.

* * * * *

(h) "Participant" means any party and the officer of the Commission who is designated to represent the interests of the general public and, for purposes of §§ 3001.11(e), 12, 21, 23, 24, 30, 31, and 32 only, it also means persons granted limited participation.

* * * * *

3. Amend § 3001.7(a) as follows:

§ 3001.7 Ex parte communications.

(a) *Prohibition.* To avoid the possibility or appearance of impropriety or of prejudice to the public interest and persons involved in proceedings pending before the Commission, no person who is a party to any on-the-record proceeding or who is granted limited participation in accordance with § 3001.19a, or his counsel, agent, or other person acting on his behalf, nor any interceder, shall volunteer or submit to any member of the Commission or member of his personal staff, to the presiding officer, or to any employee participating in the decision in such proceeding, any ex parte off-the-record communication regarding any matter at issue in the on-the-record proceeding, except as authorized by law; and no Commissioner, member of his personal staff, presiding officer, or employee participating in the decision in such proceeding, shall request or entertain any such communication. For the purposes of this section, the term "on-the-record proceeding" means a proceeding noticed pursuant to § 3001.17. The prohibitions of this paragraph shall apply from the date of issuance of such notice.

* * * * *

4. Add a new § 3001.19a reading as follows:

§ 3001.19a Limited participation by persons not parties.

Notwithstanding the provisions of § 3001.20, any person may appear as a limited participator in any case that is noticed for a proceeding pursuant to § 3001.17, in accordance with the following provisions:

(a) *Form of request.* Requests for leave to be heard as a limited participator shall be in writing, shall set forth the nature and extent of the requestor's interest in the proceeding, shall include the name and full mailing address of the person or persons who are to receive service of documents by the Secretary, and, except where good cause for late filing is shown, shall be filed not later than the date fixed for the filing of petitions to intervene pursuant to § 3001.20(c).

(b) *Action on requests.* As soon as practicable the Commission shall act to grant or deny requests for limited participation. The grant of a request for limited participation shall not constitute a determination by the Commission that the grantee has such an interest in the proceeding that he would be aggrieved by an ultimate decision or order of the Commission.

(c) *Scope of participation.* Subject to the provisions of § 3001.30(f), limited participators may present evidence which is relevant to the issues involved in the proceeding and their testimony shall be subject to cross-examination on the same terms applicable to that of formal participants. Limited participators may file briefs or proposed findings pursuant to §§ 3001.34 and 3001.35, and within 15 days after the release of an intermediate decision, or such other time as may be fixed by the Commission, they may file a written statement of their position on the issues. The Commission or the presiding officer may require limited participators having substantially like interests and positions to join together for any or all of the above purposes. Sections 3001.25 through 3001.28 shall not be applicable to limited participators. However, limited participators, particularly those making contentions under 39 U.S.C. 3622(b)(4), are advised that failure to provide relevant and material information in support of their claims

[1] Reply comments of USPS, p. 2.

[2] See, e.g., Reply comments of Fairchild Publications, Inc.

will be taken into account in determining the weight to be placed on their evidence and arguments.

5. Amend § 3001.55 to read:

§ 3001.55 Service by the Postal Service.

Immediately after the issuance of an order or orders by the Commission designating an officer of the Commission to represent the interests of the general public or granting petitions to intervene in a proceeding before the Commission under this subpart, the Postal Service shall serve copies of its formal request for a recommended decision and its prepared direct evidence upon such officer and the parties permitted to intervene as provided in § 3001.12. Such service shall also be made on persons who have been granted limited participation.

6. Amend § 3001.65 to read:

§ 3001.65 Service by the Postal Service.

Immediately after the issuance of an order or orders by the Commission designating an officer of the Commission to represent the interests of the general public or granting petitions to intervene in a proceeding before the Commission under this subpart, the Postal Service shall serve copies of its formal request for a recommended decision and its prepared direct evidence upon such officer and the parties permitted to intervene as provided in § 3001.12. Such service shall also be made on persons who have been granted limited participation.

7. Amend § 3001.75 to read:

§ 3001.75 Service by the Postal Service.

Immediately after the issuance of an order or orders by the Commission designating an officer of the Commission to represent the interests of the general public or granting petitions to intervene in a proceeding before the Commission under this subpart, the Postal Service shall serve copies of its formal request for an advisory opinion and its prepared direct evidence upon such officer and the parties permitted to intervene as provided by § 3001.12. Such service shall also be made on persons who have been granted limited participation.

(Secs. 3603, 3622–3624, 3661, 3662 of the Postal Reorganization Act; 84 Stat. 760–762, 764; 39 U.S.C. 3603, 3622–3624, 3661, 3662; 5 U.S.C. 553, 80 Stat. 383–384)

By the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.73-2517 Filed 2-6-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Miscellaneous Amendments

Because the raw agricultural commodity turnip tops is a close relative of the raw agricultural commodity hanover salad, it is concluded that the term hanover salad should be included under the general category turnip tops.

Furthermore, a separate tolerance was established for residues of the herbicide 2-chloroallyl diethyldithiocarbamate on hanover salad at 0.2 part per million (33 FR 10568; July 25, 1968). Accordingly, it is concluded that said tolerance should be deleted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), Part 180 is amended as follows:

1. In § 180.1(h), by revising the item "turnip tops * * *" in the table, as follows:

§ 180.1 Definitions and interpretations.

* * * * *

(h) * * *

A	*B*
* * *	* * *
Turnip tops or turnip greens.	Broccoli raab (raab, raab salad), hanover salad, turnip tops (turnip greens).

2. In § 180.247 *B-Chloroallyl diethyldithiocarbamate; tolerances for residues*, by deleting the words "hanover salad".

Since this order merely provides for minor technical changes which are noncontroversial, notice, public procedure, and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective February 7, 1973.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: February 1, 1973.

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

[FR Doc.73-2357 Filed 2-6-73;8:45 am]

Title 41—Public Contracts and Property Management

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

PART 60-50—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION OR NATIONAL ORIGIN

Correction

In FR Doc. 73-1288 appearing at page 1932 of the issue for Friday, January 19, 1973, in § 60-50.1(a) the tenth line, reading "tors and subcontractors under federally", should be deleted.

Title 45—Public Welfare

CHAPTER XI—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PART 1105—STANDARDS OF CONDUCT OF EMPLOYEES

Miscellaneous Amendments

In order to clarify and update present regulations establishing standards of conduct for employees of the National Foundation on the Arts and the Humanities, Part 1105 of Title 45, Code of Federal Regulations is amended as indicated in paragraphs 1 through 4 below. In general, these amendments make the following changes to Part 1105: (1) The preliminary statement of definitions is revised to more accurately describe certain categories of Foundation employees (see paragraph 1); (2) the list designating Foundation employees who must file statements of employment and financial interests is revised to reflect changes in the organizational structure of the Foundation (see paragraph 2); (3) certain provisions relating to employee conduct are revised for purposes of incorporating where necessary the new definitional categories described in paragraph 1 (see paragraph 3); and (4) one example in the regulation pertaining to employee contact with nonprofit or commercial organizations is revoked (paragraph 4).

1. Section 1105.735-3 is revised to read as follows:

§ 1105.735-3 Definitions.

(a) "Employee" means an officer or employee of the National Endowment for the Arts or the National Endowment for the Humanities or a member of the shared staff of both Endowments. The term "employee" includes both a "regular employee" (as defined in this section) and a "special Government employee" unless expressly qualified.

(b) "Regular employee" means a person holding an appointment in the competitive or excepted service, occupying a position on the staff of either Endowment or the shared staff of both Endowments, without regard to assigned working schedule (that is, including full-time, part-time and intermittent schedules), but excluding all "special Government employees" who have not been designated as "regular employees" by the Chairman of either Endowment for purposes of these regulations.

(c) "Full-time employee" means a "regular employee" with an assigned full-time working schedule.

(d) "Part-time employee" means a "regular employee" with an assigned part-time (less than 40 hours a week) work schedule.

(e) "Intermittent employee" means a "regular employee" with an assigned intermittent working schedule.

(f) "Shared staff" and "joint employees" mean employees performing services for both Endowments on a shared basis.

(g) "Special Government employee" means a "special Government employee" as defined in section 202 of title 18 of the United States Code who is employed by the National Endowment for the Arts or the National Endowment for the Humanities, or by both Endowments jointly.

(h) "Endowment" means either the National Endowment for the Arts or the National Endowment for the Humanities.

(i) "Foundation" means the National Foundation on the Arts and the Humanities.

(j) "Chairman" means the Chairman of the National Endowment for the Arts,

or the Chairman of the National Endowment for the Humanities.

2. In § 1105.735–6, paragraph (a)(2) is revised in part as follows:

§ 1105.735–6 Statements of employment and financial interests.

(a) * * *

(2) *Requirements of the National Endowment for the Arts and the National Endowment for the Humanities.* * * *

(i) National Endowment for the Arts:

(*a*) Deputy chairman.

(*b*) All special assistants to the chairman and deputy chairman.

(*c*) All program, division and office directors.

(ii) National Endowment for the Humanities:

(*a*) Deputy chairman.

(*b*) All assistants (including special assistants) to the chairman and deputy chairman.

(*c*) All program and office directors (but not including the Public Information Director).

(*d*) All program officers classified at GS–13 and above.

(iii) Shared staff:

(*a*) All attorneys.

(*b*) Director and Assistant Director of Administration.

(*c*) All auditors classified at GS–13 and above.

(*d*) Financial manager.

(*e*) Administrative services officer.

(*f*) All grants officers.

* * * * *

3. In § 1105.735–7, paragraphs (e)(1) and (2), (g)(1), (2) and (3) are revised, subdivision (ii) of paragraph (h)(2) is revoked and reserved and paragraph (j), revised to read as follows:

§ 1105.735–7 Employee conduct.

* * * * *

(e) *Participation in Endowment grants by former Endowment employees* * * *

(1) In addition to the statutory bars against ever dealing with the U.S. Government in connection with a particular matter in which he participated personally and substantially while an employee, and against dealing with the Government for 1 year after leaving in connection with a matter under his official responsibility while in the Government, a former regular employee of an Endowment may not negotiate with either Endowment, with a view to obtaining support for himself or his organization within 1 year after having left the Endowment, except with the written permission of the Chairman of the Endowment in which he had been employed.

(2) A former regular employee of an Endowment may not be compensated from an Endowment grant directly or indirectly within 1 year of his leaving the Endowment, except with the written permission of the Chairman of the Endowment in which he had been employed.

* * * * *

(g) *Outside employment and other activity.* (1) Employees shall not engage in any outside employment or other outside activity not compatible with the full and proper discharge of their duties and responsibilities. Incompatible activities include, but are not limited to, acceptance of anything of monetary value which may result in or create the appearance of a conflict of interest.

(2) Employees shall not engage in outside employment which tends to impair their health or capacity to discharge acceptably their duties and responsibilities.

(3) Regular employees shall not receive anything of value from a private source as compensation for their activities as endowment employees.

* * * * *

(h) *Advice or assistance to nonprofit or commercial organizations.* * * *

(2) *Specific examples.* * * *

(ii) [Reserved].

* * * * *

(j) *Compensation from endowment awarded funds.* No regular employee may receive any compensation, either directly or indirectly, from funds awarded to contractors or grantees by either endowment.

* * * * *

(Sec. 10, 79 Stat. 852, as amended 82 Stat. 186, 84 Stat. 443; 20 U.S.C. 959. E.O. 11222, 30 FR 6469; 3 CFR 404. 5 CFR 735.104)

Approved by the Civil Service Commission on December 19, 1972.

These amendments will take effect on February 15, 1973.

Dated: January 24, 1973.

NANCY HANKS,
Chairman,
National Endowment for the Arts.

RONALD S. BERMAN,
Chairman, National Endowment for the Humanities.

[FR Doc.73–2309 Filed 2–6–73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1104, Amdt. 2]

PART 1033—CAR SERVICE

Penn Central Transportation Co.; Authorization To Operate Over Tracks of Erie Lackawanna Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 31st day of January 1973.

Upon further consideration of Service Order No. 1104 (37 FR 15307 and 22986), and good cause appearing therefor:

It is ordered, That: § 1033.1104 *Service Order No. 1104* (Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees, authorized to operate over tracks of the Erie Lackawanna Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–2377 Filed 2–6–73;8:45 am]

[Rev. S.O. 1110, Corrected Amdt. 3]

PART 1033—CAR SERVICE

Penn Central Transportation Co. Required To Restore Certain Pennsylvania Service

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of December 1972.

Upon further consideration of Revised Service Order No. 1110 (37 FR 19616, 22871, and 23236), and good cause appearing therefor:

It is ordered, That: § 1033.1110 *Service Order No. 1110 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, required to restore service at the Buttonwood (Wilkes-Barre), Pennsylvania, Gateway and to reroute traffic originally routed via that gateway)* be, and it is hereby, amended by substituting the following paragraphs (a) and (e) for paragraphs (a) and (e) thereof:

(a) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees (Penn Central), be, and it is hereby, ordered to restore service via its Buttonwood (Wilkes-Barre), Pennsylvania, Gateway on or before January 31, 1973.

(e) *It is further ordered,* That this order shall become effective at 11:59 p.m., September 15, 1972, and, as to paragraph 1033.1110(b), shall expire at 11:59 p.m., January 31, 1973, unless sooner vacated by order of this Commission upon restoration of service through the Buttonwood (Wilkes-Barre) Gateway.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended, 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended,

54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2378 Filed 2-6-73;8:45 am]

[S.O. 1119]

PART 1033—CAR SERVICE

Demurrage on Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service, Board, held in Washington, D.C., on the 30th day of January 1973.

It appearing, that an acute shortage of all types of railroad-owned freight cars exists throughout all sections of the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are ordered and held by shippers for loading which are later returned to the carrier without being used in transportation service; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1119 Service Order No. 1119.

(a) *Demurrage on freight cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its demurrage rules and charges.

(b) *Description of cars subject to this order.* Except as otherwise provided in paragraph (c) of this section, this order shall apply to freight cars which are subject to demurrage rules applicable to detention of cars.

(c) *Exceptions.* (1) The provisions of this order shall not apply to freight cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. 386 issued by W. J. Trezise, or reissues thereof, as having the following descriptions and mechanical designations:

Mechanical designation: RA, RAM, RCD, RS, RSB, RSM, RSTC, and RSTM.
Mechanical designation: SA, SC, SD, SF, SH, SM, SP, and ST.
Mechanical designation: TA, TAI, TG, TGI, THI, TL, TLI, TM, TMI, TMU, TMUI, TP, TPI, TPA, TPAI, TR, TRI, TVI, TW, and TWI.
Mechanical designation: XT.

(2) The provisions of this order shall not apply to freight cars while subject to the provisions of Agent B. B. Maurer's Tariffs 8–0, I.C.C. H–30; 551–L, I.C.C. H–50; 552–P, I.C.C. H–47; and 719–F, I.C.C. H–53; nor to perishable protective charges published in Agent W. T. Jamison's National Perishable Protective Tariff No. 18, I.C.C. 37; supplements thereto, or reissues thereof.

(d) *Cars subject to this order.* (1) When empty cars placed on orders are not used in transportation service, demurrage will be charged for all detention, including Saturdays, Sundays, and holidays (see list in Item 25, Freight Tariff 4–I, I.C.C. H–36), from actual or constructive placement until released, with no free time allowance.

(2) Charges for cars detained as described in paragraph (d)(1) of this section shall be $10 per car per day, or fraction of a day, for the first 2 days; $20 per car per day, or fraction of a day, for the next 2 days; and $30 per car per day for all subsequent detention.

(3) In the application of this section, a demurrage day consists of a 24-hour period, or fraction thereof, computed from the hour of actual or constructive placement of the car, except that on cars placed in advance of the date for which ordered for loading, time will be computed from 7 a.m. of the day for which so ordered.

(4) When a car so ordered and placed on a public track or on an industrial interchange track is not used and no advice from the party who ordered the car has been received within 48 hours (2 days), exclusive of Saturdays, Sundays, and holidays (see list in Item 25, Freight Tariff 4–I, I.C.C. H–36), from the first 7 a.m. after placement (see paragraph (d)(3) of this section), the car shall be removed and treated as released at the time of removal. Such cars shall be subjected to demurrage charges as provided herein.

(5)(i) In the event a car is rejected account not suitable for loading, this section will not apply if the party ordering the car advises the carrier of rejection and condition that caused the car to be rejected, within 24 hours (1 day) exclusive of Saturdays, Sundays, and holidays (see list in Item 25, Freight Tariff 4–I, I.C.C. H–36) after actual placement (see paragraph (d)(3) of this section).

(ii) If rejection has not been made within time specified in paragraph (d)(5)(i) of this section, demurrage will be charged for all detention, computed under paragraphs (d) (1), (2), and (3) of this section.

(e) If the application of demurrage rules published in any tariff lawfully in effect results in demurrage charges greater than those provided in this order, such greater charges shall apply.

(f) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(g) *Regulations suspended—announcement required.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to its tariff affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(h) *Effective date.* This order shall become effective at 7 a.m., February 5, 1973.

(i) *Expiration date.* This order shall expire at 6:59 a.m., June 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2374 Filed 2-6-73;8:45 am]

[S.O. 1120]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 31st day of January 1973.

It appearing, that an acute shortage of covered hopper cars for transporting shipments of grain, grain products, soybeans, or soybean meal exists in certain sections of the country; that some carriers have placed substantial numbers of large-capacity covered hopper cars in unit-train service for the movement of grain under tariff provisions which require that these cars remain in this service for five or more consecutive trips in the service of a single shipper; that such practices are depriving shippers, unable to ship to the destinations to which such

services are available or unable to comply with tariff provisions applicable to such movements with respect to availability of tonnage in a single day or ability to receive grain in such quantities, of an equitable share of the supply of large covered hoppers; that entire areas of the country are unable to secure shipments of vitally needed feed grains because of these car distribution practices, thus creating great economic loss; that present regulations and practices with respect to the use, supply, control, movement, and distribution of covered hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1120 Service Order No. 1120.

(a) *Distribution of covered hopper cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Restrictions on use of covered hopper cars.* Effective February 20, 1973, no common carrier by railroad shall permit the use in unit-grain-train services of more than 25 percent of its ownership of jumbo covered hopper cars.

(2) *Increased use in unit trains prohibited.* No common carrier by railroad shall increase the proportion of its ownership of covered hopper cars operated in unit-grain-train service above the proportion operated in unit-grain-train services on January 15, 1973.

(3) *Substitution of small cars for jumbo cars prohibited.* No common carrier shall substitute smaller covered hopper cars for jumbo covered hopper cars for use in unit-grain-train services.

(4) *Monthly reports required.* Each common carrier by railroad owning jumbo covered hopper cars shall report to Mr. R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423, on or before the 10th day of each month the number of jumbo covered hopper cars owned, as of the first of the month, the number in unit-grain-train services, the number in general grain services, the number in other services, the number of unit-grain-trains operated during the previous month, and the number of trips made by such trains.

(b) *Definitions*—(1) *Unit-grain-trains.* Unit-grain-trains are hereby defined as trains of 50 or more covered hoppers organized and operated as a unit from a single point of origin, in-transit loading point, or concentration point and consigned to one destination or distribution point in order to comply with published tariff requirements.

(2) *Jumbo covered hopper cars of railroad ownership.* Jumbo covered hopper cars of railroad ownership are hereby defined as cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof as bearing reporting marks issued to a railroad and having mechanical designation "LO" and having cubical capacities of 4,000 cubic feet or larger and weight-carrying capacities of 180,000 pounds or greater.

(c) *Rules and regulations suspended.* In the event that the operation of any unit-grain-train is discontinued prior to February 20, 1973, as a result of this order, the discontinuance of such a train shall be deemed to have completed the tariff responsibility as to the number of consecutive trips required to be made by such unit-grain-train. The operation of all other tariff provisions or of other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(e) *Effective date.* This order shall become effective at 12:01 a.m., February 5, 1973.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2376 Filed 2-6-73;8:45 am]

[S.O. 1121]

PART 1033—CAR SERVICE

Demurrage and Free Time at Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the first day of February 1973.

It appearing, that an acute shortage of covered hopper cars and plain boxcars exists throughout the country; that certain carriers are unable to furnish an adequate supply of these cars to shippers located on their lines; that these shortages of covered hopper cars and plain boxcars are impeding both the domestic and export movement of agricultural, mineral, forest, and manufactured products and other commodities; that certain existing tariff rules and regulations provide excessive free-time periods for loading or unloading at ports, and demurrage detention or storage rates at levels below those applicable to domestic freight; that such rules, regulations, and demurrage, detention or storage rates are ineffective in securing prompt release of cars held at the ports. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1121 Service Order No. 1121.

(a) *Demurrage and free time at ports.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all plain boxcars and to all covered hopper cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 386, issued by W. J. Trezise, or reissues thereof, as bearing railroad reporting marks and as having mechanical designations XM or LO, respectively, held by or for shippers, consignees, or their designated agents, at ocean, Great Lakes, or river ports; or at any station outside of such ports because of any condition attributable to the shipper, consignee, or his designated agent.

(iii) Ocean, Great Lakes, or river ports are hereby defined as being any station at which shipments are transferred between rail carriers and water carriers, whether by direct car-vessel transfer or by intermediate handling through a port elevator, wharf, dock, or warehouse capable of both the loading and unloading of railcars and the loading and unloading of vessels.

(iv) Multiple-car shipments are hereby defined as shipments made under tariff provisions specifically requiring the loading of two or more cars in order to qualify for the rate.

(v) Constructive placement is hereby defined as the holding of a car by the carrier because of the inability of the consignee or shipper to receive it.

(vi) The terms "Loading," "Unloading," and "Forwarding Directions" as defined in Demurrage Rule 2, Item 905 of General Car Demurrage Tariff 4–I, I.C.C. H–36, issued by B. B. Maurer, supple-

ments thereto, or reissues thereof, shall apply to cars subject to this order.

(2) *Free time.* (i) Not more than 72 hours' free time shall be allowed for loading or unloading plain box (XM) cars or covered hopper (LO) cars at ocean, Great Lakes, or river ports with freight requiring transfer between rail and water carriers, either direct or through port elevators, wharves, docks, or warehouses.

(ii) When plain box (XM) cars or covered hopper (LO) cars are held by rail carriers at any point outside the port because of any condition attributable to the shipper or consignee, the combined total of the free time allowed at the port and at the point where cars are held shall not exceed 72 hours.

(iii) If the maximum free time authorized in applicable tariffs is less than the 72-hour period described in paragraph (i) of this section, the free-time periods provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges.* (i) After the expiration of the free time described in Part (2) of this order, demurrage charges at the rates published for application on interstate traffic in Item 930–J, nineteen Section A of General Car Demurrage Tariff 4–I, I.C.C. H–36, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply. Average demurrage agreement rules shall not apply. (See exception.)

(ii) *Exception.* If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described in paragraph (a)(3)(i) of this section, such higher rates shall apply.

(iii) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(iv) The demurrage, detention, or storage rules provided in paragraph (a)(3)(i) of this section shall supersede all published storage charges expressed in cents per hundred-weight, per bushel, or other unit of measure, for all freight held at ports in cars in excess of the free-time periods provided in paragraph (a)(2) of this section.

(4) *Notices of arrival, constructive placement, etc.* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, adjustment of run-arounds, the giving of arrival or constructive placement notice on freight destined for unloading or trans-shipment at the ports shall apply.

(ii) If no such rules with respect to arrival, run-around, or constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–I, I.C.C. H–36, issued y B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 7 a.m., February 5, 1973.

(d) *Expiration date.* This order shall expire at 6:59 a.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-2375 Filed 2-6-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on February 7, 1973.

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

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Imperial National Wildlife Refuge, Arizona and California, is open to public access, use and recreation, except when prohibited by appropriate signs, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special regulations:

a. The removal or disturbance of dead wood is prohibited.

b. Pets are permitted only if they are confined or kept on a leash not to exceed ten (10) feet in length, one end of which is secured so as to restrict the movements of the animal.

c. Boating is permitted in all waters of the refuge except when prohibited by appropriate signs, and in those areas closed to public entry.

d. Hiking, sightseeing, and photography are permitted except in those areas closed to public entry.

e. The removal or disturbance of sand, gravel or rock is prohibited.

f. Blocking of boat ramps or routes of public access is prohibited.

g. An area on the west end of Martinez Lake consisting of approximately 175 acres shall be closed to public entry during the following periods: January 1 through February 28, 1973, inclusive; and October 1 through December 31, 1973, inclusive. This area shall be designated by a line of buoys across Martinez Lake posted with appropriate signs.

Areas closed to the public are delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103.

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

GERALD E. DUNCAN,
Acting Refuge Manager, Imperial National Wildlife Refuge, Yuma, Ariz.

JANUARY 26, 1973.

[FR Doc.73-2306 Filed 2-6-73;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 AGRICULTURE

Farmers Home Administration

[7 CFR Parts 1816, 1890]

[AL-17(400); FHA Ins. 400.2]

CIVIL RIGHTS COMPLIANCE REVIEWS

Notice of Proposed Rule Making

Notice is hereby given that the Farmers Home Administration is considering a proposed amendment to Subchapter G, Miscellaneous Regulations, Chapter XVIII, Title 7, Code of Federal Regulations by transferring and redesignating Part 1890, "Nondiscrimination by Recipients of Financial Assistance." (35 FR 13972, September 3, 1970.) The said part will be transferred to Subchapter A, and redesignated as Part 1816. Upon adoption of this Part 1816, Part 1890 is hereby vacated.

Subchapter A, General Regulations is amended by adding a new Part 1816, "Civil Rights Compliance Reviews." This new part is a proposed revision of the redesignated Part 1890 and incorporates the following changes:

1. The elimination of requirements for compliance reviews on planning advances, comprehensive water and sewer planning grants, and irrigation and drainage loans;

2. The reviewing of unincorporated economic opportunity cooperatives to be made as needed or as directed by the FHA State Director or FHA Administrator;

3. The strengthening of documentation of compliance reviews;

4. The requiring of pre-loan closing compliance reviews on Water and Waste Disposal loans and grants and technical assistance grants;

5. The reduction of the frequency of compliance reviews;

6. The requiring of a certification in lieu of a compliance review on public entity Water and Waste Disposal recipients who have a mandatory hookup ordinance in effect.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed revision to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, DC 20250, on or before March 9, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours. (8:15 a.m. to 4:45 p.m.)

As proposed, the new Part 1816 will read as follows:

PART 1816—CIVIL RIGHTS COMPLIANCE REVIEWS

Sec.

AUTHORITY: Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442, sec 602, 78 Stat 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Orders of Acting Secretary of Agriculture, 36 FR 21529; 37 FR 22008; Orders of Assistant Secretary of Agriculture, for Rural Development and Conservation, 36 FR 21529; Order of Director, OEO, 29 FR 14764.

§ 1816.1 General.

Title VI of the Civil Rights Act of 1964 provides that no person shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Civil rights compliance reviews are designed to determine whether FHA borrowers subject to title VI are complying with its nondiscrimination provisions in their operations.

§ 1816.2 Borrowers subject to compliance reviews.

Civil rights compliance reviews will be conducted on recipients of the following type loans and/or grants who received their loans or advances of funds on or after January 3, 1965:

(a) Loans for water and waste disposal facilities, including resource conservation and development (RCD) loans for this purpose.

(b) Farm ownership (FO) loans to install or improve recreational facilities or other nonfarm enterprises.

(c) Operating loans to install or improve recreational facilities or other nonfarm enterprises.

(d) Rural renewal (RN) loans and advances.

(e) Watershed (WS) loans and advances.

(f) Economic opportunity (EO) loans to incorporated cooperative associations. (Compliance reviews on unincorporated EO cooperatives subject to title VI will be conducted only as the need arises or as directed by either the FHA State Director or the FHA Administrator.)

(g) Recreation association loans including those made from RCD funds.

(h) Loans to timber development organizations.

(i) Development grants for water and waste disposal.

(j) Rural rental housing (RRH) (formerly senior citizens rental) and rural cooperative housing (RCH) loans.

(k) Grazing association loans, including RCD loans for this purpose.

(l) Labor housing (LH) loans and/or grants.

(m) EO loans to individuals for nonagricultural enterprises.

(n) Individual recreation loans (RL).

(o) Rural housing site (RHS) loans.

(p) Technical assistance grants.

§ 1816.3 Duration of obligation for conducting reviews.

Compliance reviews will be conducted on the recipients listed in § 1816.2 until:

(a) The loan is paid in full or otherwise satisfied, or

(b) In the case of technical assistance and/or planning grants where no FHA loan funds are involved until the last advance of funds has been made.

(c) In the case of development grants for water and waste disposal, where no loan is involved, for the period during which the real property or structures are used for a purpose for which the grant is extended or for another purpose involving the provisions of similar services or benefits.

§ 1816.4 Compliance reviews on loans to individuals.

(a) *Compliance review officer.* The county supervisor will conduct compliance reviews of loans made to individuals.

(b) *Type of review.* (1) If the borrower is currently receiving loan supervision, the county supervisor may complete the compliance review based on his knowledge of the borrower's operations from other visits. Otherwise, the supervisor must visit the borrower's facilities to complete the compliance review.

(2) Before completing the compliance review, the county supervisor should be aware of:

(i) The borrower's operating regulations, for example, the grounds for eviction from a rural rental housing project;

(ii) The borrower's method of advertising his facility to the public, if there is any advertising, including how well these methods reach the minority community;

(iii) Any records of request for use of the borrower's facility.

(3) The county supervisor's determination that the borrower is or is not in compliance with title VI together with in-

formation such as that outlined in subparagraph (2) of this paragraph will be recorded in the running record.

(4) If the borrower is in compliance, the county supervisor should report his finding to the State Director.

(5) If the borrower is not in compliance, his name, location, type of loan involved, and the reasons for the finding of noncompliance should be sent to the State Director.

(6) The State Director will see that all compliance review reports are complete. If the recipient was found in noncompliance, the State Director will immediately send a copy of the compliance review report to the National Office, Attention: Equal Opportunity Officer, with the action he proposes to take to bring the recipient into compliance.

§ 1816.5 Compliance reviews on associations receiving loans or development grants.

(a) The State Director will designate the compliance review officer for recipient associations. County supervisors may be designated only if they have received approved compliance review training. Otherwise, the compliance review officer must be a member of the State staff including community program specialists (field).

(1) Compliance reviews may be completed in connection with normal supervision visits to associations and must include an inspection of the FHA-financed facility.

(2) Before making a determination that the recipient is or is not complying with the provisions of Form FHA 400–4, "Nondiscrimination Agreement," the compliance review officer will:

(i) Observe the recipient's records, including records on the present membership by race, the handling of applications for use of the facility, the user rates and membership fees or dues and the facility's operating regulations;

(ii) Determine if the recipient advertises for members or users. If so, observe the effectiveness of the recipient's methods of advertising the availability of the facility to the public, and especially the effectiveness of this advertising in reaching the minority community;

(iii) Interview association officials, members and employees. In reviews of recipients of technical assistance grants, members of the self-help housing groups should be interviewed to determine the way in which they were recruited.

(iv) Interview informed local community leaders, including minority leaders, if any, to determine if the facility is operating without discrimination because of race, color, or national origin.

(3) Compliance reviews on Association, WS, RCD and RN loans involving recreation facilities, will be recorded on Form FHA 400–7, "Compliance Review for Recreational Loans to Associations." A copy of the form will be filed in the borrower's county office loan docket. If the association is found in compliance with title VI, the original of the form will be sent to the State Director. If the association is found in noncompliance, the original of the form plus any additional information which led to the finding will be sent to the State Director.

(4) Compliance reviews on loans and grants for water and waste disposal systems, incorporated EO cooperatives, grazing associations, rural rental housing, farm labor housing, and rural housing site will be completed on Form FHA 400–8, "Compliance Review." A copy of the form will be filed in the borrower's loan docket. The original of the form will be sent to the State Director, unless the association is found in noncompliance. Then the original of the form plus any additional information which led to the finding will be sent to the State Director.

(5) Compliance reviews on loans to timber development organizations RCH loans, and technical assistance grants will be recorded in the borrower's "running record." The information obtained during the compliance review as well as the review officer's determination of the borrower's compliance or noncompliance will be recorded in the "running record."

(i) If the borrower is found in compliance, a report will be sent to the State Director.

(ii) If the borrower is not in compliance, the organization's name, location, type of loan received, and all information which led to the finding will be sent to the State Director.

(6) Compliance reviews of public entity borrowers or grantees for water and waste disposal facilities who are operating under the provisions of a mandatory hookup ordinance will consist of a certification by the borrower or grantee that the ordinance is still in effect and is being enforced.

(7) The State Director will see that all compliance review reports are complete. If the recipient was found in noncompliance, the State Director will immediately send a copy of the compliance report to the National Office, Attention: Equal Opportunity Officer, with a report of the action he proposes to take to bring the recipient into compliance.

§ 1816.6 Timing of reviews.

(a) *Reporting year.* The State Director will schedule civil rights compliance reviews on an annual basis from November 1 to October 31 of each year. For example, compliance reviews scheduled during 1973 should be conducted after November 1, 1972, but before October 31, 1973.

(b) *Initial reviews.* (1) Water and waste disposal (WWD) loan and/or grant. The initial compliance review of recipients of WWD loans and/or grants will be conducted as a normal part of the preparation for loan or grant closing.

(2) Technical assistance grant. The initial compliance review of recipients of technical assistance grants will be conducted before the grant is closed.

(3) RHS loan. The initial compliance review of recipients of RHS loans will be conducted before the grant is closed.

(4) WS loans for future water supply. The initial review on loans for future water supply will be made when usage of the stored water begins.

(5) All other loans and/or grants. The initial compliance review of recipients of all other type loans and/or grants listed in § 1816.2 will be conducted within the first reporting year after the loan is closed, or after the Form FHA 400–4, "Nondiscrimination Agreement" is signed.

(c) *Subsequent reviews.* The State Director is responsible for requiring subsequent compliance reviews at intervals not less than 90 days nor more than 3 years after the previous compliance review.

(1) For those associations with loans or development grants which have had at least two compliance reviews subsequent to loan or grant closing, covering a 6-year period, and have shown no indication of discriminatory practices, the frequency of subsequent reviews may be reduced to 6 years.

(2) In those cases where borrowers or grantees have merged to form a new organization, two reviews will be conducted at 3-year intervals after the merger and one every 6 years thereafter, provided no discriminatory practices are noted.

§ 1816.7 State Office summary reports.

The State Director will keep a list of all compliance reviews conducted during the reporting year to enable him to schedule each year's reviews. The State Director will submit a copy of this list to the National Office, Attention: Equal Opportunity Officer, no later than November 30 of each year. Compliance reviews on recipients found in noncompliance should also be listed on the summary report.

§ 1816.8 Discrimination complaints.

Any complaint of discrimination because of race, color, or national origin directed against recipients of FHA assistance should be sent immediately to the National Office, Attention: Equal Opportunity Officer.

PART 1890—[REDESIGNATED]

Dated: January 26, 1973.

DARREL A. DUNN,
Associate Administrator,
Farmers Home Administration.

[FR Doc.73-2388 Filed 2-6-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 240]

NORTHWEST ATLANTIC COMMERCIAL FISHERIES

Notice of Proposed Rule Making

At its 22d Annual Meeting held in Washington, D.C., May 25 through June 2, 1972, the International Commission for the Northwest Atlantic Fisheries recommended that member governments adopt national allocation of regulated species in the Northwest Atlantic and several other technical changes for 1973.

1. The 1973 allocation of the total allowable catch to the United States for cod, American plaice, yellowtail flounder, silver hake, and red hake, is presented below:

Cod. Subdivision 4Vs and Division 4W of Subarea 4, 1,050 metric tons: Division 5Y of Subarea 5, 9,400 metric tons, and Division 5Ze and 5Zw of Subarea 5, 19,600 metric tons.

American plaice. Divisions 3L, 3N, and 3O of Subarea 3, shall not exceed 100 metric tons.

Yellowtail flounder. Divisions 3L, 3N, and 3O of Subarea 3, shall not exceed 100 metric tons; east of 69° W. longitude in Subarea 5, 15,000 metric tons, and west of 69° W. longitude in Subarea 5, 9,000 metric tons.

Silver hake. Division 5Y of Subarea 5, 9,500 metric tons; Subdivision 5Ze of Subarea 5, 17,000 metric tons, and Subdivision 5Zw of Subarea 5, 25,000 metric tons.

Red hake. Subdivision 5Zw of Subarea 5, 15,000 metric tons.

2. *Haddock.* The annual catch quota for 1973 will remain the same as for 1972, as follows: Subarea 5, 6,000 metric tons; Division 4X of Subarea 4, 9,000 metric tons, and Division 4W of Subarea 4, 4,000 metric tons.

3. The mesh size for haddock, cod, and yellowtail flounder was established at 5⅛ inches (manila) for the cod end only, but will not go into effect until January 1974.

4. An adjustment was made in the northern boundary of closed area A (off Cape Cod), in Subarea 5, to allow shrimp and ocean perch fishing throughout the year.

5. The prohibition for any person to fish for or possess on board any fishing vessel red hake and silver hake in the area 69° W. longitude—39°50′ N. latitude and 71°40′ W. longitude—40°20′ N. latitude was reduced to apply only to the month of April.

These recommendations are reflected in the proposed regulations set out below:

The proposed regulations are in a different form than was used in the past in the belief that:

(1) The regulations will be more intelligible, (2) less repetitive, (3) easier to use.

Subpart A contains general provisions that apply to all subparts following. In § 240.1, definitions, the silver hake, red hake, were included as regulated species and the description of procedure to measure nets to determine mesh size was reduced significantly. Little change was made to § 240.2, licenses, from the existing regulations. Section 240.4 deals with reports and contains the reporting requirements for dealers, owners and masters.

Subpart B contains those regulations dealing exclusively with regulated groundfish species which, at this time, only includes haddock and cod. The annual catch of haddock is still under an international quota, while the catch quota in § 240.11 for cod is the allocation for the United States. In § 240.13, the new coordinates for the closed area off Cape Cod is presented. There are no changes in gear restrictions for 1973 in § 240.14. Other than the addition of the cod quota, the major change in this subpart may be found in § 240.15(b), which relates to those vessels which had departed port prior to the closure date. Formerly, that trip had to end within 10 days after the closure date and required the vessels, on arrival in port, to actually discharge part of the catch. This requirement has been liberalized, and the present proposal merely requires that the fishing activity terminate within 10 days and that all vessels return to port within 48 hours thereafter, reporting their arrival to the National Marine Fisheries Service, the Coast Guard, or Customs Officer.

Subpart C contains those regulations pertaining only to regulated flatfish species which, at this time, includes American plaice in Subarea 3, and yellowtail flounder in Subarea 3 and Subarea 5. In § 240.21, an incidental catch for American plaice and yellowtail flounder, is provided in Subarea 3. The catch quota for yellowtail flounder, in Subarea 5, is reduced from 26,000 metric tons to 24,000 metric tons. The 1973 annual and quarterly catch quotas for yellowtail flounder were published in the FEDERAL REGISTER on January 28, as proposed rule making and 10 days were allowed for public comment. The quotas are repeated in this publication, § 240.41, for the convenience of the interested public. There are two kinds of closures provided in this subpart. Section 240.25(a)(1), provides for a 5-day extension for those vessels which had departed port prior to the closure date at the end of the first three quarters, and § 240.25(a)(2) provides for a 10-day extension similar to that proposed for groundfish under § 240.15(b). The vessels fishing for yellowtail flounder in Subarea 5 shall have only 24 hours in which to return to port at the end of the extension period. The mesh size requirement in § 240.24 will be the same as required in 1972.

Subpart D contains those regulations dealing with regulated hake species which, at this time, includes red hake and silver hake. The catch quotas in § 240.31 pertains to U.S. vessels. There are no gear restrictions in 1973 for fishing for silver or red hake. Section 240.35(b) provides for a 5-day extension for those vessels which had departed port prior to the closure date. Those vessels must report within 48 hours at the end of the 5-day extension period.

The proposed amendments are to be issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; U.S.C. 986) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, National Marine Fisheries Service, Washington, DC 20235, on or before March 9, 1973.

Issued at Washington, D.C., and dated February 1, 1973.

T. P. GLEITER,
Assistant Administrator for Administration.

PART 240—NORTHWEST ATLANTIC COMMERCIAL FISHERIES

Subpart A—General Provisions

Subpart B—Groundfish Fisheries

Subpart C—Flatfish Fisheries

Subpart D—Hake Fisheries

AUTHORITY: Sec. 7(a), Northwest Atlantic Fisheries Act of 1950, 64 Stat. 1069; U.S.C. 986; as modified by Reorganization Plan No. 4, effective October 3, 1970, 35 FR 15627.

Subpart A—General Provisions

§ 240.1 Definitions.

(a) *Convention area.* The term "Convention area" means and includes all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 50°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude, thence along a rhumb line to a point in 69°00′ north latitude and 50°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island, to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire,

Massachusetts, and Rhode Island to the point of beginning.

(b) *Regulatory area.* The term "Regulatory area" means and includes the whole of those portions of the Convention area which are separately described as follows:

(1) *Subarea 1.* The term "Subarea 1" means that portion of the Convention area, including all waters except territorial waters, which lies to the north and east of a rhumb line from a point in 75°00′ north latitude and 73°30′ west longitude to a point in 69°00′ north latitude and 59°00′ west longitude; east of 59°00′ west longitude; and to the north and east of a rhumb line from a point in 61°00′ north latitude and 59°00′ west longitude to a point in 52°15′ north latitude and 42°00′ west longitude.

(2) *Subarea 2.* The term "Subarea 2" means that portion of the Convention area, including all waters except territorial waters, lying to the south and west of subarea 1, as defined in paragraph (b)(1) of this section, and to the north of the parallel of 52°15′ north latitude.

(3) *Subarea 3.* The term "Subarea 3" means that portion of the Convention area, including all waters except territorial waters, lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 42°30′ north latitude, 55°00′ west longitude, in the direction of a point in 47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

(4) *Subarea 4.* The term "Subarea 4" means that portion of the Convention area, including all waters except territorial waters, lying to the west of Subarea 3 as described in paragraph (b)(3) of this section, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point 44°46′35.34″ north latitude, 66°54′-11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°40′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude.

(5) *Subarea 5.* The term "Subarea 5" means that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude; thence due west to the meridian of 71°40′ west longitude; thence due north to a point 3 statute miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of 3 statute miles to the point of beginning.

(c) *Regulated species.* The regulations in this part shall apply to the following species by the subareas they are included in and wherever in the regulations in this part the term "regulated species" is used, it shall apply to those in this list.

(1) *In Subarea 1.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (redfish) (*Sebastes*).

(iv) Halibut (*Hippoglossus hippoglossus* (L.)).

(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(2) *In Subarea 2.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (redfish) (*Sebastes*).

(iv) Halibut (*Hippoglossus hippoglossus* (L.)).

(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(3) *In Subarea 3.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) In aggregate: Ocean perch (redfish) (*Sebastes*), except in the statistical division 3N, 3O, and 3P, halibut (*Hippoglossus hippoglossus* (L.)), grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer), dab (American plaice) (*Hippoglossoides platessoides* (Fab.)), Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)), pollock (saithe) (*Pollachius virens* (L.)), white hake (*Urophycis tenuis* (Mitch.)).

(4) *In Subarea 4.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer)), black back or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)), dab (*American plaice*) (*Hippoglossoides platessoides* (Fab.)).

(5) *In Subarea 5.* (i) Cod (*Gadua morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Yellowtail flounder (*Limanda ferruginea* (Storer)).

(iv) Silver hake (*Merluccius bilinearis* (Mitch.)).

(v) Red hake (*Urophycis chuss* (Walb.)).

(d) *Chafer.* A protective covering of canvas, netting, or other material attached to the underside of the cod end only of the net to reduce and prevent damage, and a rectangular piece or pieces of netting attached to the upper side of the cod end only of the net to reduce and prevent damage, so long as the netting attached to the upper side of the cod end conforms to the specifications of either the "ICNAF-type chafer," the "multiple flap-type chafer," or the "Polish-type chafer," described below. For the purposes of this paragraph, the required mesh size, when measured wet after use, shall be deemed to be the average of the measurements of 20 consecutive meshes in a series across the netting.

(1) *ICNAF chafer.* A chafer having the following characteristics:

(i) The width of the netting shall be at least 1½ times the width of the area of the cod end which is covered, such width to be measured at right angles to the long axis of the cod end.

(ii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting.

(iii) On cod ends having a splitting strap, the netting shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh.

(iv) On cod ends not having a splitting strap, the netting shall not extend to more than one-third the length of the cod end measured from not less than four meshes in front of the cod line mesh.

(v) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(2) *Multiple flap-type chafer.* A chafer having the following characteristics:

(i) Each piece of netting shall not exceed 10 meshes in length; each shall be at least the width of the cod end, such width being measured at right angles to the long axis of the cod end at the point of attachment; each shall be fastened by its forward edge only across the cod end at right angles to its long axis.

(ii) The aggregate length of all pieces of netting shall not exceed two-thirds the length of the cod end.

(iii) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(3) *Polish-type chafer.* A chafer having the following characteristics:

(i) The rectangular piece of netting attached to the upper side of the cod end shall have a mesh size at least twice as large as that specified for the cod end to which it is attached and shall have a width the same as that for the cod end.

(ii) It shall be fastened to the cod end only along the forward, lateral, and rear edges of the netting so that the meshes exactly overlay the meshes of the cod end.

(iii) The netting shall be the same twine size and material as that of the cod end.

(e) *Closed season.* The time during which regulated species in specified areas may not be taken in quantities exceeding the amounts specified as incidental fisheries.

(f) *Cod end.* The bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

(g) *Commission.* The International Commission for the Northwest Atlantic Fisheries established pursuant to the Convention.

(h) *Convention.* The International Convention for the Northwest Atlantic Fisheries signed at Washington, D.C., February 8, 1949, and amendments.

(i) *Contracting governments.* Governments party to the Convention.

(j) *Demersal species.* Fishes living at the bottom of the sea.

(k) *Executive Secretary.* The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries.

(l) *Fishing.* The catching, taking, or fishing for, or the attempted catching, taking, or fishing for any regulated species.

(m) *Incidental fisheries.* The inadvertent taking of regulated species while conducting fishing operations primarily for other species.

(n) *Mesh size.* Any part of the net, the average of the measurements of any 20 consecutive meshes in any row located at least 10 meshes from the side lacings measured when wet after use.

(o) *License.* A license issued by the National Marine Fisheries Service to enable the holder thereof to fish for, possess, transport, or deliver, by means of any fishing vessel, any regulated species.

(p) *Official or authorized official.* Any representative of the National Marine Fisheries Service (NMFS), U.S. Coast Guard, or U.S. Bureau of Customs Service, authorized to enforce this part.

(q) *Open season.* The time during which regulated species may lawfully be captured and taken on board a fishing vessel without limitation of the quantity permitted to be retained during each fishing voyage, except as otherwise provided in this part.

(r) *Person.* Any owner, master, or operator of a vessel.

(s) *Regional Director.* The Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, MA 01930. Telephone number: Area code (617) 281–0640.

(t) *Service.* The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(u) *Service Director.* The Director of the National Marine Fisheries Service.

(v) *Trawl net.* Any large bag net dragged in the sea by a vessel or vessels for the purpose of fishing.

(w) *Vessel.* Every kind, type or description of watercraft subject to the jurisdiction of the United States, used, or capable of being used, as a means of transportation on water.

(x) *Trip.* As used in connection with the trip exemption provided in § 240.3(b) means a departure from port, transit to the Convention area, participation in the fisheries, including incidental fisheries, and discharges any part of the catch on board.

§ 240.2 Licensing provisions.

(a) Any person or vessel desiring to fish for any regulated species within the Convention area, or possess, transport, or deliver for sale, any regulated species taken within the Convention area, must first obtain a license for that purpose.

(b) The owner or operator of a vessel may obtain the appropriate license by furnishing, on a form supplied by the National Marine Fisheries Service, information specifying the names and addresses of the owner and operator of the vessel and the name, official number, and home port of the vessel. The form shall be submitted, in duplicate, to the Regional Director, National Marine Fisheries Service, Gloucester, Mass., who shall grant the requested license, without fee, for the calendar year in which the license is issued. New licenses shall be issued to replace expired, lost, or mutilated licenses. An application for replacement of an expiring license shall be made in like manner as the original application, not later than 10 days prior to the expiration date of the expiring license.

(c) The owner or operator of any licensed vessel which is proposed to be used in fishing outside the Convention area may obtain a temporary suspension of the license until such time that the vessel returns to fish within the Convention area.

(d) The temporary suspension or modification of the license shall be granted upon either an oral or a written request, specifying the period of suspension or modification desired by an authorized State official or by an authorized official of the National Marine Fisheries Service, or Coast Guard. Such official shall make appropriate endorsement on the license evidencing the duration of its suspension or modification.

(e) The license issued by the National Marine Fisheries Service must be carried, at all times, on board the vessel for which it is issued and such license, the vessel, its gear and equipment shall be subject to inspection, at reasonable times, by authorized officials.

(f) Licenses issued under this part may be revoked by the Regional Director for violations of this part.

§ 240.3 Persons and vessels exempted.

(a) *Scientific investigation.* Any person operating a vessel authorized by the Secretary of Commerce to engage in fishing for scientific purposes is exempted from all the requirements of this part.

(b) *Trip exemption.* (1) Any person operating a vessel in the course of fishing for nonregulated species in Subareas 3, 4, and 5, is exempted from the requirements of this part, and may take and possess, on any one trip, an incidental catch of regulated species not to exceed, for each species, 5,000 pounds or ten percent (10%) by weight of all the fish on board, whichever is greater, taken from the same subarea.

(2) Any person or vessel fishing for haddock and cod, using gear required for that fishery, may take and possess, on any one trip, yellowtail flounder, not to exceed 5,000 pounds or ten percent (10%) by weight of all fish on board, whichever is greater: *Provided,* That a valid license issued under the provisions of § 240.2 is in force.

(c) *Annual exemption.* Any person operating a vessel engaged in fishing for nonregulated species within Subarea 3, 4, or 5, who does not take in any period of 12 months more than ten percent (10%) by weight of regulated species described in the immediately preceding paragraph may avail himself of the exemption provided in this paragraph by obtaining a license for exemption under the provision of § 240.2(a).

§ 240.4 Reports and records.

(a) *Dealers.* (1) All persons, individuals, firms or corporations, at any port or place within the United States, that buy from other U.S.-flag vessels or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce, any regulated species taken within the Convention area by any fishing vessel, shall make and shall furnish to an authorized officer of the National Marine Fisheries Service, within 72 hours of sale or within 72 hours after buying or receiving, vessel returns to any port of the United States, a complete record of each purchase, on forms supplied by the National Marine Fisheries Service.

(2) All persons purchasing or receiving any regulated species in the Convention area for transport to any port of the United States must maintain records identical to those required under paragraph (a)(1) of this section.

(3) The possession by any person, firm or corporation of regulated species which such person, firm, or corporation knows to have been taken by a vessel of the United States without a valid license, is prohibited.

(b) *Owner or master.* (1) In the case of a vessel licensed under § 240.2, and fishing for any of the regulated species, the owner or master of vessels of 50 gross tons or more must maintain an accurate log of fishing operations showing date, type and size of gear used, locality fished, duration of fishing time or tow, and the

estimated poundage of each species taken at 12-hour intervals. Such logbooks shall be available for inspection by an authorized official in accordance with the ICNAF International Inspection Scheme adopted at the Twenty-first Annual Meeting, May 27–June 4, 1971. At the conclusion of each fishing trip, such logbook shall be delivered to an authorized official of the United States or, if no official is available, such logbook must be mailed in the envelope provided for that purpose. These forms will be furnished without cost by the National Marine Fisheries Service. Such logbooks shall be used for statistical and biological purposes only.

(2) In the case of vessels of less than 50 gross tons licensed under § 240.2, and fishing for any of the regulated species, the owner or master may be required to maintain the logbook for sampling purposes at the option of an appropriate official of the United States.

(3) In the case of vessels desiring to fish for nonregulated species on a trip basis, no reports are required of the owner or master.

Subpart B—Groundfish Fisheries

§ 240.10 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in Subpart A, § 240.1.

(b) Regulations in this subpart will apply to haddock (*Melanogrammus aeglefinus* (L.)), and cod (*Gadus morhua* (L.)).

§ 240.11 Catch quota.

(a) An annual catch limitation is placed upon the quantity of haddock permitted to be taken in Divisions 4W and 4X of Subarea 4 and Subarea 5. The aggregate catch of haddock during 1973, by persons or fishing vessels under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of haddock by persons or fishing vessels fishing in Division 4W of Subarea 4, in the year 1973, shall not exceed 4,000 metric tons.

(2) The annual catch of haddock by persons or fishing vessels fishing in Division 4X of Subarea 4, in the year 1973, shall not exceed 9,000 metric tons.

(3) The annual catch of haddock by persons or fishing vessels fishing in Subarea 5, shall not exceed 6,000 metric tons.

(b) An annual catch limitation is placed upon the quantity of cod permitted to be taken in Subdivision 4Vs and Division 4W of Subarea 4, Division 5Y of Subarea 5, and Subdivisions 5Ze and 5Zw of Subarea 5. The aggregate catch of cod during 1973, by persons or fishing vessels under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of cod in Subdivision 4Vs and Division 4W of Subarea 4 shall not exceed 1,050 metric tons.

(2) The annual catch of cod in Division 5Y of Subarea 5 shall not exceed 9,400 metric tons.

(3) The annual catch of cod in Subdivision 5Ze and 5Zw of Subarea 5 shall not exceed 19,600 metric tons.

§ 240.12 Open season.

(a) The open season for haddock and cod in Subdivision 4Vs, Division 4X and Division 4W of Subarea 4, and Subarea 5, shall begin at 0001 hours of the first day of January 1973, and terminate at a time and a date to be determined and announced in the FEDERAL REGISTER: *Provided*, That the areas described in § 240.13 shall be closed to any vessel using gear capable of catching demersal species.

§ 240.13 Closed seasons and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishing for haddock or cod in Subarea 4 or 5, or any division thereof. The closure is determined in the following manner:

(b) The National Marine Fisheries Service maintains records of the catches of haddock and cod made in Subdivision 4Vs, Division 4X and Division 4W of Subarea 4 and Subarea 5, during the open season, by vessels under the jurisdiction of the United States participating in the fishery.

(c) When the accumulative and estimated prospective catch of haddock or cod in each subarea, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.11, the Director shall promptly publish the notice required in paragraph (a) of this section, and shall notify the Executive Secretary of the date on which vessels subject to the jurisdiction of the United States have ceased a specialized fishery.

(d) It shall be unlawful for any person to use, during the period from 0001 hours, March 1, to 2400 hours May 31, 1973, fishing gear capable of catching demersal species, including any trawl gear or similar devices, gill net, or hook and line, in:

(1) Division 4X of Subarea 4, bounded by straight lines connecting the following coordinates in the order listed: 65° 44′W., 42°04′N.; 64°30′W., 42°40′N.; 64° 30′W., 43°00′N.; 66°32′W., 43°00′N.; 66°32′W., 42°20′N.; 66°00′W., 42°20′N.

(2) Subarea 5, two areas bounded by lines connecting the following coordinates:

(i) 69°55′W., 42°10′N.; 69°10′W., 41° 10′N.; 68°30′W., 41°35N.; 68°45′W., 41°50′N.; 69°00′W., 41°50′N.

(ii) 67°00′W., 42°20′N.; 67°00′W., 41° 15′N.; 65°40′W., 41°15′N.; 65°40′W., 42°00′N.; 66°00′W., 42°20′N.

(iii) Except that vessels using hooks having a gap of not less than 3 cm (1⅛″) may fish in Subarea 5, without restriction.

§ 240.14 Gear restrictions.

(a) In Subareas 1, 2, and 3, no person shall fish for regulated species with a trawlnet or nets, parts of nets, or netting of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 5⅛ inches (130 mm.), or a trawlnet or nets or parts of nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent too that of a 5⅛ inch (130 mm.) manila trawlnet.

(b) In Subareas 4 and 5, except as provided in § 240.23(a), no person shall fish for haddock or cod with a trawlnet or nets, parts of nets, or netting of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 4½ inches (114 mm.) or a trawlnet or nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 4½ inch (114 mm.) manila trawlnet.

(c) The use in fishing for haddock or cod within the Regulatory area of any device or method which would, or otherwise, have the effect of diminishing the size of said meshes of the trawlnet is prohibited: *Provided*, That an approved chafer described in § 240.1(d) may be used.

§ 240.15 General restrictions.

(a) Except as provided in paragraphs (b), (c), and (d), of this section, after the dates announced in the manner provided in § 240.13(a), for the closure of haddock or cod fishing seasons in Division 4X or Division 4W of Subarea 4 and Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess haddock or cod on board such vessel in those areas or to land haddock or cod taken in those areas in any port or place until the haddock or cod fishing season reopens on January 1 next, following the close of the season.

(b)(1) Any fishing vessel which had departed port to engage in haddock or cod fishing under the provisions of § 240.2 prior to the date of the closure of haddock or cod fishing in either Division 4X or 4W in Subarea 4, or Subarea 5, may continue to take and retain haddock or cod in the Division or Subarea for which the closure has been announced, for a period of time not to exceed 10 days, at which time fishing for haddock or cod in the closed Division or Subarea shall be prohibited. Within 48 hours after the expiration of the 10-day period, each such vessel must return to a port or place in the United States, and the master or person in charge must immediately, on his return, notify any officer of the National Marine Fisheries Service, U.S. Bureau of Customs or Coast Guard, of his arrival.

(2) Any master or person in charge of a fishing vessel, licensed pursuant to § 240.2, may continue to fish after the date of closure, in any subarea or division, the provisions of the next preceding paragraph notwithstanding, but should he elect to do so, the quantity of haddock or cod in his possession on each trip must not exceed 5,000 pounds or 10

percent (10 percent) by weight of all other fish on board.

(c) Any master or person in charge of a fishing vessel, which has departed port after the date of closure of haddock or cod fishing in Division 4X or 4W in subarea 4, or subarea 5, may take, possess on board, and land in any port or place, such haddock or cod as may be taken incidentally to a fishery for nonregulated species: *Provided*, That the master of the said vessel has on board the appropriate license as required under § 240.2 (a) and complies with the limitations specified in § 240.3, and the reporting requirements, where required, in § 240.4 (b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing, which may be found in § 240.13(d).

(d) The provisions of this subpart shall apply to all fishing trips begun during the current calendar year, whether completed before January 1, or not.

Subpart C—Flatfish Fisheries

§ 240.20 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in Subpart A, § 240.1.

(b) Regulations in this subpart will apply to American plaice, (*Hippoglossoides platessoides* (Fab.)), and yellowtail flounder, (*Limanda ferruginea* (Storer)).

§ 240.21 Catch quota.

(a) An annual catch limitation is placed upon the quantity of American plaice permitted to be taken in divisions 3L, 3N, and 3O, of subarea 3. The aggregate catch of American plaice in the above divisions during 1973, by persons or fishing vessels, under the jurisdiction of the United States, shall not exceed 100 metric tons.

(b) An annual catch limitation is placed on the quantity of yellowtail flounder permitted to be taken in divisions 3L, 3N, and 3O, in subarea 3, and in the areas east and west of 69° West longitude in subarea 5, as follows:

(1) The annual catch of yellowtail flounder in divisions 3L, 3N, and 3O, of subarea 3, shall not exceed 100 metric tons.

(2) The annual catch of yellowtail flounder in subarea 5, in the area east of 69° West longitude shall not exceed 15,000 metric tons and shall be taken in quarterly increments as follows:

Quarter	Catch quota	Expected accumulative catch
Jan. 1 to Mar. 31	2,050	2,050
Apr. 1 to June 30	3,850	6,800
July 1 to Sept. 30	4,900	11,700
Oct. 1 to Dec. 31	3,300	15,000

(3) The annual catch of yellowtail flounder in subarea 5, in the area west of 69° longitude shall not exceed 9,000 metric tons and shall be taken in quarterly increments as follows:

Quarter	Catch quota	Expected accumulative catch
Jan. 1 to Mar. 31	2,750	2,750
Apr. 1 to June 30	1,500	4,250
July 1 to Sept. 30	2,000	6,250
Oct. 1 to Dec. 31	2,750	9,000

(c) The Director may adjust the quarterly increments in either area by publication of a notice in the FEDERAL REGISTER.

§ 240.22 Open season.

(a) The open season for American plaice and yellowtail flounder fishing in areas under quota in § 240.21, shall begin at 0001 hours local time on the 1st day of January 1973, and terminate at a time and date to be announced by the Director, by publication of a notice in the FEDERAL REGISTER. In the event of a closure during any quarter, open season fishing for yellowtail flounder shall resume on the first day of the next quarter.

§ 240.23 Closed season and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishery for American plaice and yellowtail flounder in subarea 3, and yellowtail flounder in subarea 5.

(b) The National Marine Fisheries Service maintains records of the catches of American plaice and yellowtail flounder made in divisions 3L, 3N, and 30 of subarea 3, and the catches of yellowtail flounder made in areas east and west of 69° W., in subarea 5, during the open season, by vessels under the jurisdiction of the United States, participating in the fishery.

(c) When the accumulative and estimated catch of American plaice or yellowtail flounder in subarea 3, and yellowtail flounder in subarea 5, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.21, the Director shall promptly notify the Executive Secretary of the date on which vessels subject to the jurisdiction of the United States have ceased a specialized fishery.

(d) Announcement shall also be made by publication of a notice in the FEDERAL REGISTER of the closing time and date of the first, second, and third quarters when the Director has determined, on the basis of catch data and catch rates, that the accumulative catch (landing plus discards) of yellowtail flounder in subarea 5, in either area (east or west of 69°-00′ W.), will equal the quarterly quota established in § 240.21(b).

§ 240.24 Gear restrictions.

(a) In subarea 5, no person shall fish for yellowtail flounder with a net of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh of less than 5⅛ inches (130 mm.), or a trawl net or nets, parts of nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 5⅛ inch (130 mm.) manila net.

(b) The use in fishing for regulated species within the regulatory area of any device or method which would have the effect of diminishing the size of said meshes or obstruct the meshes of the trawl net, is prohibited: *Provided*, That an approved chafer, described in § 240.1 (d), may be used.

§ 240.25 General restrictions.

(a) Except as provided in paragraphs (a) (1) or (2) and (b) of this section, after the dates announced in the manner provided in § 240.23 for the closing of the yellowtail flounder or American plaice fishing season or seasons, it shall be unlawful for any master or other person in charge of a fishing vessel to possess yellowtail flounder or American plaice in the closed regulatory areas or to land yellowtail flounder taken in those areas in any port or place until the next succeeding open season for yellowtail flounder or American plaice.

(1) In the event of a closure of any of the first three quarters, as provided under § 240.23(d), any fishing vessel which had departed port to engage in yellowtail flounder fishing in subarea 5, prior to the date of the closure, may continue to take and retain yellowtail flounder in the area subject to the closure for a period of time not to exceed 5 days, at which time fishing for yellowtail flounder in the closed area shall be prohibited.

(2) In the event of an annual closure as provided under § 240.23, any fishing vessel which had departed port to engage in yellowtail flounder fishing in subarea 5, prior to date of the closure, may continue to take and retain yellowtail flounder, in the area subject to the closure, for a period of time not to exceed 10 days, at which time fishing for yellowtail flounder in the closed area shall be prohibited. Within 24 hours after the expiration of either the 10- or 5-day period, provided under the preceding paragraph, each such vessel must return to a port or place in the United States and the master or person in charge must immediately, on the return, notify any appropriate official of the National Marine Fisheries Service, U.S. Bureau of Customs or Coast Guard, of his arrival.

(b) Any master or person in charge of a fishing vessel which has departed port after the date of closure of yellowtail flounder fishing either east or west of 69°00′ W., in subarea 5, may take, possess on board, and land in any port or place, such yellowtail flounder as may be taken incidentally in such closed area to a fishery for nonregulated species: *Provided*, That the owner or operator of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3 and the reporting requirements, where required, in § 240.3(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing which may be found in § 240.13(d).

(1) The provisions of this subpart shall apply to all fishing trips begun during the calendar year 1973, whether completed before January 1, 1974, or not.

Subpart D—Hake Fisheries

§ 240.30 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in subpart § 240.1.

(b) Regulations in this subpart will apply to silver hake, (*Merluccius bilinearis* (Mitch.)), and red hake, (*Urophycis chuss* (Walb.)).

§ 240.31 Catch quota.

(a) An annual catch limitation is placed upon the quantity of silver hake permitted to be taken in division 5Y and subdivision 5Ze and 5Zw of subarea 5. The aggregate catch of silver hake during 1973, by persons or fishing vessels, under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of silver hake in division 5Y of subarea 5, shall not exceed 9,500 metric tons.

(2) The annual catch of silver hake in subdivision 5Ze of subarea 5, shall not exceed 17,000 metric tons.

(3) The annual catch of silver hake in subdivision 5Zw, shall not exceed 25,000 metric tons.

(b) An annual catch limitation is placed upon the quantity of red hake permitted to be taken in subdivision 5Zw of subarea 5. The aggregate catch of red hake during 1973, by persons or fishing vessels, under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of red hake in subdivision 5Zw of subarea 5, shall not exceed 15,000 metric tons.

§ 240.32 Open season.

(a) The open season for silver hake fishing in division 5Y and 5Z of subarea 5, and red hake fishing in division 5Z of subarea 5, shall begin at 0001 hours of the 1st day of January 1973, and terminate at a time and a date to be determined pursuant to § 240.33.

§ 240.33 Closed season and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishery for silver hake or red hake in subarea 5.

(b) The National Marine Fisheries Service maintains records of the catches of silver hake or red hake made in each division of subarea 5 during the open season by vessels, under the jurisdiction of the United States, participating in the fishery.

(c) When the accumulative and estimated prospective catch of silver hake and red hake in each division of subarea 5, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.31, the Director shall promptly notify the Executive Secretary of the date on which its vessels have ceased a specialized fishery.

(d) It shall be unlawful for any person to conduct a specialized fishery for silver hake or red hake from 0001 hours, April 1 to 2400 hours, April 30, 1973, in the area bounded by 69°00′W., 39°50′N., 71°40′W., and 40°20′N., however, groundfish vessels may be permitted to take on each trip, during this period, in the said area, red and silver hake in amounts not to exceed 10 percent each of the total catch taken in the said area, on that trip.

§ 240.34 Gear restrictions.

There are no gear restrictions regarding fishing for silver or red hake in 1973.

§ 240.35 General restrictions.

(a) Except as provided in paragraphs (b), (c), and (d), of this section, after the dates announced in the manner provided in § 240.33(a), for the closure of silver or red hake fishing seasons in division 5Y or 5Z of subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess silver or red hake on board such vessel in those areas or to land silver or red hake taken in those areas in any port or place until the silver or red hake fishing season reopens on January 1 next, following the close of the season.

(b)(1) Any fishing vessel which had departed port to engage in silver or red hake fishing under the provisions of § 240.2(a), prior to the date of closure of silver or red hake fishing in either division 5Y or 5Z of subarea 5, may continue to take and retain silver or red hake in the divisions for which the closure has been announced for a period of time not to exceed 5 days, at which time fishing for silver or red hake in the closed division shall be prohibited. Within 48 hours after the expiration of the 5-day period, each such vessel must return to a port or place in the United States and the master or person in charge must immediately, on his return, notify any appropriate officer of the National Marine Fisheries Service, U.S. Bureau of Customs, or Coast Guard, of his arrival.

(2) Any master or person in charge of a fishing vessel licensed to take silver or red hake from waters of the Convention area may continue to fish after the date of closure, in any subarea or division, the provisions of the next preceding paragraph notwithstanding, but should he elect to do so, the quantity of silver or red hake in his possession must not exceed 5,000 pounds or 10 percent (10%) by weight of all other fish on board.

(c) Any master or person in charge of a fishing vessel which has departed port after the date of closure of silver or red hake fishing in division 5Y or 5Z of subarea 5, may take and possess on board, and land in any port or place, such silver or red hake as may be taken incidentally to a fishery for nonregulated species; *Provided,* That the master of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3 and the reporting requirements, where required, in § 240.4(b); *Provided further,* That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing, which may be found in § 240.13(d).

(d) The provisions of this subpart shall apply to all fishing trips begun during the current calendar year, whether completed before January 1, or not.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

COSMETIC INGREDIENT LABELING

Notice of Proposed Rule Making

In the FEDERAL REGISTER of April 11, 1972 (37 FR 7151), the Commissioner of Food and Drugs promulgated a final order providing for voluntary registration of producers of cosmetic products and voluntary filing of ingredient and raw material statements. In the preamble to these regulations, the Commissioner concluded that although the comments, which called for label declaration of ingredients for cosmetics, were beyond the scope of the issues raised by the petitions, nevertheless the comments were meritorious and the Commissioner announced that the Food and Drug Administration would give consideration to publishing a proposal under the Fair Packaging and Labeling Act for the labeling of cosmetic ingredients.

I. On May 17, 1972, Prof. Joseph A. Page, Mr. Anthony L. Young, and the Consumer Federation of America submitted to the Food and Drug Administration the following petition for a regulation on cosmetic ingredient labeling:

STATEMENT OF GROUNDS

In the FEDERAL REGISTER of April 11, 1972 (37 FR 7151), the Commissioner of Food and Drugs promulgated a final order providing for "voluntary" registration of producers of cosmetic products and "voluntary" filing of cosmetic ingredient and raw material statements. In the preamble to these regulations, the Commissioner concluded that comments received in response to the regulations proposed by the Cosmetic, Toiletry and Fragrance Association (36 FR 16934) which called for label declarations of ingredients for cosmetic products, were beyond the scope of the issues raised by the CTFA petitions but that the comments were considered "to be meritorious" and that consideration was being given to publishing a proposal under the Fair Packaging and Labeling Act for the labeling of sensitizing ingredients.

While petitioners believe that the labeling of sensitizing ingredients would go a long way towards protecting those millions of Americans who suffer from various allergic reactions annually, petitioners also believe that such labeling would not fully inform consumers and enable them to obtain accurate information to facilitate value comparisons.

Full ingredient labeling will promote the fair and efficient functioning of a free market economy. When consumers are totally cognizant of what they are buying they are able to "vote with their pocketbook" and increase the competitive posture of the marketplace. The consumer must know the contents of his purchases to know whether a product is

a good buy. Simple, inexpensive ingredients are in some cases sold to the unknowing consumer for very high prices. Knowledge on the part of the consumer is the first step towards the prevention of economic fraud.

Labeling is also important to the consumer as a health measure. The Commissioner has recognized that consumers must be able to ascertain the ingredients of cosmetic products to avoid allergic reactions. By avoiding products which contain ingredients to which they are allergic, consumers prevent the needless and wasteful expenditure of money on products which must be discarded due to their irritating nature. Any cosmetic product which is injurious has no value whatsoever and may in fact impose significant costs on the consumer. There is no benefit-risk ratio with regard to cosmetics.

Our society has always valued maximization of individual choice. This is one reason that consumer legislation has favored complete labeling rather than secrecy; preferring that the consumer weigh the benefits and liabilities of his purchase. Cosmetic products contain many ingredients which are common to all such products. Without full label disclosure of ingredients these cosmetic products, through the use of extensive and expensive advertising techniques, can be sold at prices higher than a fully informed marketplace would permit. Complete ingredient labeling will insure that these cosmetic products are open to value comparison by the consumer. Full labeling will thus promote development of the best product at the lowest cost. Full labeling will prevent the maximization of profit through the exploitation and perpetuation of consumer ignorance. The consumer has a right to know.

In addition, the courts have declared that certain plans, processes, methods, or compounds contained within a cosmetic product, known only to their owner and those employees to whom it is necessary to confide in, were trade secrets. The Fair Packaging and Labeling Act provides that labeling required thereunder shall not be deemed to require that any trade secret be divulged. A procedure has therefore been established that protects both the interests of consumers and the intests of the owner of the trade secret. Professional responsibility of Food and Drug Administration employees, however, may require that trade secrets be divulged in emergent situations. Again, a procedure has been established that balances the interests of consumers and the interests of the owners of trade secrets.

Therefore, petitioners Joseph A. Page, Anthony L. Young, and Consumer Federation of America, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (Sec. 701 (e), (f), (g); 52 Stat. 1055–1056, as amended; 21 U.S.C. 371 (e), (f), (g)), and the provisions of the Fair Packaging and Labeling Act (Secs. 5(c)(3), (6)(a); 80 Stat. 1298, 1299; 15 U.S.C. 1454(c)(3), 1455(a)) propose to add three new sections to Chapter I of 21 CFR, as follows:

§ 1.205 Cosmetics in package form; labeling requirements re ingredients.

(a) The label of a cosmetic product which consists of two or more ingredients and is packaged for consumption by individuals or use by individuals for purposes of personal care shall bear, in addition to the other requirements of this chapter, the common or usual name of each such ingredient in order of decreasing predominance.

(b) The common or usual names of ingredients required to be displayed under paragraph (a) of this section shall appear prominently on the principal display panel of the package.

(c) Where a cosmetic product consists of ingredients too numerous to list prominently on the principal display panel, there shall be prominently displayed a statement informing the consumer that:

(1) The listing of ingredients appears on another of the package's display panels, or;

(2) The listing of ingredients appears on or in a booklet, tag, insert, or card.

(d) Where the listing of ingredients takes the form described in paragraph (c)(2) of this section such booklet, tag, insert or card shall be securely affixed to the cosmetic product package.

(e) Where it has been determined that full compliance with paragraph (b) or (c) of this section would divulge any trade secret under the procedures set forth in § 1.206 of this chapter or where an application to prevent the divulgence is pending under § 1.206, the label of the cosmetic product package shall bear the phrase "and other ingredients" at the end of the listing of ingredients required by paragraph (b) or (c) of this section.

§ 1.206 Cosmetics in package form: Procedures re "Trade Secrets".

(a) Nothing in § 1.205 shall be deemed to require that any trade secret be divulged. Any person engaged in the packaging or labeling of a cosmetic product may assert that full compliance with § 1.205 (b) or (c) would divulge a trade secret by filing with the person designated by the Commissioner, a petition:

(1) Describing with particularity all of the ingredients required by § 1.205(b) or (c) to appear on the label of the cosmetic product, and

(2) Stating with particularity the reasons why the inclusion of any such ingredient(s) on the label would divulge a trade secret.

(b) The person designated by the Commissioner shall determine whether full compliance with § 1.205 (b) or (c) would divulge a trade secret within 60 days after filing; such decision is automatically appealed to the Associate Commissioner for Compliance.

(c) In the case where the person designated by the Commissioner has determined that full compliance with § 1.205 (b) or (c) would divulge a trade secret, the file in the matter shall be forwarded to the office of the Assistant General Counsel for Food, Drugs, and Product Safety, Department of Health, Education, and Welfare, where a legal memorandum on behalf of the consumer's right to be informed may be prepared within 30 days and served, with the file in the matter, upon the petitioner and upon the Associate Commissioner for Compliance.

(d) In the case where the person designated by the Commissioner has determined that full compliance with § 1.205 (b) or (c) would not divulge a trade secret, he shall state his reasons therefore and those reasons shall be served upon the petitioner. The petitioner shall have 30 days to file a supplemental statement with the Associate Commissioner for Compliance.

(e) The Associate Commissioner for Compliance shall decide the matter before him within 30 days of receipt of all papers. A copy of his decision, stating in general terms the reasons therefore, shall be served upon the petitioner and placed on display in the office of the Hearing Clerk.

(f) The decision of the Associate Commissioner for Compliance shall be final for purposes of judicial review and shall be effective 30 days after receipt by the petitioner.

§ 1.207 Cosmetics; "Trade Secret" information, availability in emergencies.

(a) It is the moral and professional obligation of the Food and Drug Administration and the physicians and scientists employed therein to protect American consumers from injury from cosmetic products.

(b) Upon application from poison control centers, the Commissioner, or his delegates, may provide, irrespective of whether a trade secret might be divulged, information on all ingredients to assist in the evaluation of accidental use or accidental ingestion of a cosmetic product.

(c) Upon application from a licensed physician, the Commissioner, or his delegatee, may provide, irrespective of whether a trade secret might be divulged, information on all ingredients, where necessary to assist in the determination of the cause of a medical reaction for which a patient is being treated.

(d) Any person engaged in the packaging or labeling of a cosmetic product who so desires may provide the Commissioner, or his delegatee, with information on diagnostic or remedial procedures adequate to permit evaluation and treatment in the situations described in paragraphs (b) and (c) of this section. Such information will then be made available in lieu of the ingredient information to which it is compatible.

On May 17, 1972, the petitioners requested that this petition be held in abeyance until the cosmetic ingredient labeling legislation then pending before the Congress ran its course. On October 12, 1972, petitioners requested that the petition be reactivated in view of the fact that cosmetic ingredient labeling had not been enacted by Congress.

II. In the FEDERAL REGISTER of August 11, 1972 (37 FR 16208), the Commissioner of Food and Drugs promulgated a notice to cosmetic manufacturers and distributors containing a standard format to be utilized by those who wished to adopt cosmetic ingredient labeling on a voluntary basis pending consideration of the legislation then in Congress and the proposals being considered within the Food and Drug Administration for mandatory cosmetic ingredient labeling.

Upon further consideration, the Commissioner has concluded that this format for voluntary labeling should be proposed as the format for mandatory cosmetic ingredient labeling, as follows:

§ 1.205 Cosmetics; labeling requirements; designation of ingredients.

(a) The labeling of a cosmetic shall bear a declaration of each ingredient in descending order of predominance, except that fragrance, flavoring, and coloring may be declared as such. An ingredient which is both fragrance and flavoring, or both flavoring and coloring, or any combination of the three, shall be designated by each of the functions it performs unless such ingredient is specifically declared. No ingredient may be designated as fragrance, flavoring, or coloring unless it is within the meaning of such term as commonly understood by consumers.

(b) The declaration of ingredients shall appear with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The declaration shall appear on any appropriate information panel in letters not less than one-sixteenth of an inch in size and without obscuring design, vignettes, or crowding. In the absence of sufficient space for such declaration on the package, or where the manufacturer or distributor wishes to use a decorator container, the declaration may appear on a firmly affixed tag, tape, or display card.

(c) An ingredient shall be identified in the declaration by:

(1) The name specified for that ingredient in any recognized compendium, such as United States Pharmacopeia, National Formulary, Food Chemicals Codex, United States Adopted Names, or an industry compendium; or

(2) In the absence of such a listing, the common or usual name; or

(3) In the absence of such a listing or a common or usual name, the chemical or other technical name or description.

(d) Where a cosmetic is also a drug, the declaration shall first declare the active ingredients as required under chapter V of the act, and shall then declare with an appropriate designation the cosmetic ingredients.

III. Therefore, pursuant to provisions of the Fair Packaging and Labeling Act (15 U.S.C. 1455(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner publishes the above petition and proposal for public comment.

Interested persons may, on or before April 9, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this petition and proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 30, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-2242 Filed 2-6-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-CE-28]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to alter the control zone and transition area at Emporia, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received on or before March 9, 1973, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Emporia, Kans., new RNAV public use instrument approach procedures have been established at the Emporia Municipal Airport. Accordingly, it is necessary to alter the Emporia, Kans., control zone and transition area to adequately protect aircraft executing the new approach procedures.

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

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

EMPORIA, KANS.

Within a 5-mile radius of the Emporia, Kans., Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.), and within 1.5 miles either side of the 010° bearing from the airport extending from the 5-mile radius to 6 miles north of the airport and 1.5 miles either side of the 190° bearing from the airport extending from the 5-mile radius to 6 miles south of the airport.

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

EMPORIA, KANS.

That airspace extending upwards from 700 feet above the surface within 2 miles either side of the Emporia VORTAC 134° radial extending from the 5-mile radius of the airpart (latitude 38°20'00" N., longitude 96°11'15" W.); to 8 miles southeast of the VORTAC, and 5 miles either side of the 010° bearing, from the airport extending from the 5-mile radius to 11.5 miles north and 5 miles either side of the 190° bearing from the airport extending from the 5-mile radius to 12.5 miles south of the airport and that airspace extending upwards from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Emporia VORTAC 134° radial extending from the VORTAC to 12 miles southeast of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on January 16, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-2327 Filed 2-6-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-6]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Marshall, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before March 9, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be

submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

MARSHALL, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harrison County Airport (latitude 32°31'18" N., longitude 90°18'29" W.) and within 2.5 miles each side of Gregg County VORTAC 075° T (068° M) radial extending from the 5-mile radius area to 21 miles east of the VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Harrison County Airport, Marshall, Tex.

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

Issued in Fort Worth, Tex., on January 26, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-2328 Filed 2-6-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

TRANSPORTATION CONTROLS FOR CALIFORNIA

Approval and Promulgation of Implementation Plans; Correction

In FR Doc. 73-1144 appearing at page 2194 of the issue for Monday, January 22, 1973, the following changes are to be made:

1. The title should read "Transportation Controls for California" rather than "California Air Quality Standards."

2. In the preamble, on page 2194, second column, 23d line of the second full paragraph, the word "(proposed)" should read "[proposed]."

3. In the preamble, on page 2194, third column, 18th line of the first full paragraph, the word "fair" should read "far."

4. In the preamble, on page 2194, third column, the third and fourth lines of the third full paragraph should read: "oxidants is 160 $\mu g/m^3$ (0.08 parts per million, ppm) average for a 1-hour peri-".

5. In the preamble, on page 2195, second column, last line of the second full paragraph, the word "1935" should read "1985."

6. In the preamble, on page 2196, first column, eighth line of the third full paragraph, the word "on" should read "no."

7. In the preamble, on page 2198, second column, 18th line of the third full paragraph, the phrase "on January 22, 1973" should read "upon republication in the FEDERAL REGISTER."

8. In the proposed amendments to 40 CFR 52.229, on page 2199, the first sentence of paragraph (g)(2) should read: "No person shall load or allow the loading of volatile organic compounds having a vapor pressure of 1.5 pounds per square inch absolute or greater, under actual storage conditions, into any tank truck or trailer, railroad tank car, locomotive, aircraft, stationary storage tank with a capacity greater than 250 gallons, or boat or motor vehicle fuel tank having a capacity greater than 5 gallons from any loading facility unless such tank or loading facility is equipped with a vapor collection and disposal system, or its equivalent, properly installed, in good working order, and in operation."

9. In the proposed amendments to 40 CFR 52.229, on page 2199, paragraph (g)(2)(iii) should read: "(iii) Other equipment of at least 90 percent efficiency, provided plans for such equipment are submitted to and approved by the Administrator of the Environmental Protection Agency."

Dated: February 2, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

[FR Doc.73-2398 Filed 2-6-73;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Notice of Proposed Rule Making

On October 28, 1972 (37 FR 23087), pursuant to section 110 of the Clean Air Act, the Agency promulgated regulations to correct the deficiencies in the regulatory provisions of Louisiana's implementation plan. In addition to certain procedural items, regulations were promulgated for control of hydrocarbon emissions from waste gas disposal sources in the Louisiana portion of the Southern Louisiana-Southeast Texas Interstate Region. It has come to the attention of the Administrator that in certain instances, compliance with this regulation may not be necessary to control photochemical oxidant formation, may not be feasible, or may create a safety hazard.

Therefore, amendments are proposed below which would permit exemption from the waste gas disposal regulation previously promulgated for Louisiana upon satisfactory showing to the Administrator that:

(1) The waste gas stream will not support combustion and alternative control techniques are not reasonably available,

(2) A safety hazard would exist due to compliance with the regulation, or

(3) The organic compounds in the waste gas stream are not photochemically reactive.

The amendments proposed below include procedures for applying for exemption. Amendments are also proposed to the compliance schedule requirements to avoid the requirement of submission of a compliance schedule while an application for exemption is being considered.

Finally, procedures are proposed for obtaining the Administrator's approval of methods of control other than incineration or a smokeless flare.

Publication of this proposal in the FEDERAL REGISTER shall have the effect of suspending the requirements for certification of compliance (§ 52.980(a)(1)) and submission of compliance schedules (§ 52.980(a)(2)) by sources. New dates for certifying compliance and submitting compliance will be prescribed at the conclusion of the Agency's rule making on this proposal.

The Agency is considering whether additional organic compounds should be added to the list of exempt compounds specified § 52.973(b)(4), as amended in this issue of the FEDERAL REGISTER. Comments and data are invited on this subject.

Interested persons may participate in this rule making by submitting written comments in triplicate to the Environmental Protection Agency's Region VI Office, 1600 Patterson, Street, Dallas, TX 75201. All comments received no later than March 7, 1973, will be considered. Receipt of comments will be acknowledged, but substantive responses will not be provided. All comments will be available for public inspection during normal business hours at the Region VI Office.

This notice of proposed rule making is issued under authority of section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: February 2, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart T—Louisiana

In § 52.973, paragraph (b) is amended by adding paragraphs (b)(5) through (b)(7) as follows:

§ 52.973 Control strategy and regulations: Photochemical oxidants (hydrocarbons).

* * * * *

(b) * * *

(5) Any owner or operator of a stationary source subject to the subparagraph (2) of this paragraph may, no later than 120 days following the effective date of this paragraph, submit to

the Administrator an application for exemption from the requirements of this paragraph.

(i) Each application shall include the name and address of the applicant, location or proposed location of the source and technical information describing the nature, size, design, and method of operation of the source. Such technical information shall include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations and any other information necessary to substantiate the request for exemption from applicability of this regulation.

(ii) The Administrator may approve an application for exemption upon satisfactory showing that:

(*a*) The waste gas stream is shown to be photochemically unreactive according to procedures specified by the Administrator (a demonstration shall not be required for waste gas streams specified in subparagraph (4) of this paragraph); or

(*b*) The waste gas stream will not support combustion and alternative control measures are not reasonably available; or

(*c*) A safety hazard would exist due to compliance with this paragraph.

(iii) The Administrator will, within 60 days of receipt of sufficient information to evaluate an application submitted under this subparagraph, notify the owner or operator of approval or intention to deny approval of the application. Notice will include the information and findings on which such intended denial is based, and allow the opportunity for such person to present, within such time limit as the Administrator shall specify, additional information or arguments to the Administrator prior to final action on such application.

(iv) A final determination to deny any application for exemption will be in writing and will set forth the specific grounds on which such denial is based. Such final determination will be made within 60 days of presentation of additional information or arguments, or 60 days after the final date specified for presentation, if no presentation is made.

(6) The owner or operator of any source subject to subparagraph (2) of this paragraph shall, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a description of the method or device that will be used to control the emissions from such source. Where an application for exemption is submitted to the Administrator pursuant to subparagraph (5) of this paragraph, such description shall be submitted no later than 120 days following the issuance of a denial of any application for exemption.

(i) A separate application shall be submitted for each source.

(ii) The requirements of this subparagraph shall not be applicable to sources controlled by smokeless flares or by incineration.

(iii) Each application shall include the name and address of the applicant, location or proposed location of the source and technical information describing the nature, size, design, and method of operation of the source, including a description of any equipment to be used for control of emissions. The emissions before and after control shall be specified. Such technical information shall include calculations of emission estimates in sufficient detail to permit assessment of the validity of such calculations.

(7) Compliance with this paragraph shall be in accordance with the provisions of § 52.980(a).

In § 52.980, the first sentence of paragraph (a)(2) is revised as follows:

§ 52.980 Compliance schedules.

(a) * * *

(2) Any owner or operator of a source subject to subparagraph (1) of this paragraph may, no later than the date required for submission of the control method or device description pursuant to § 52.973(b)(6), submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.973(b) as expeditiously as practicable but not later than July 31, 1975. * * *

* * * * *

[FR Doc.73-2359 Filed 2-6-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 73-133]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposal Regarding Audit at End of Fiscal Year; Extension of Time for Comments

FEBRUARY 1, 1973.

By Resolution No. 72-1465, dated December 14, 1972, the Federal Home Loan Bank Board proposed to amend Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) for the purpose of requiring insured institutions with fiscal years ending after December 31, 1973, to be audited as of the end of each fiscal year. Notice of such proposed rule making was published in the FEDERAL REGISTER on December 20, 1972 (37 FR 28079), and interested persons were invited to submit written data, views, and arguments to the Board by January 19, 1973.

In view of the complexity of the proposal, the Federal Home Loan Bank Board has decided to provide an additional period for submission of comments on such proposal. Accordingly, the Board will continue to accept written data, views, and arguments on such proposal from interested persons until February 28, 1973.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.73-2360 Filed 2-6-73;8:45 am]

[12 CFR Parts 546, 563, 563b, 571]

CONVERSIONS OF MUTUAL ASSOCIATIONS TO THE STOCK FORM

Notice of Hearings

On January 3, 1973, the Federal Home Loan Bank Board adopted proposed regulations governing conversion to State-chartered stock form by federally chartered savings and loan associations and State-chartered mutual savings and loan associations the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. The proposed regulations were published in the FEDERAL REGISTER on January 11, 1973 (38 FR 1334).

Notice is hereby given that hearings will be held on these proposals on March 12 and March 13, 1973 at 10 a.m. in Room 630 of the Board's headquarters building at 101 Indiana Avenue NW., Washington, D.C.

The hearings will be subject to the following rules of procedure:

1. Each person or representative of a group who wishes to make a presentation must make a request to do so in writing by March 1, 1973, addressed to the General Counsel of the Board, Room 856, 101 Indiana Avenue NW., Washington, DC 20552.

2. A written copy of a statement, or a summary of the points to be covered, must accompany the request.

3. Participants will be notified by March 8 of their order of appearance. A list of participants, their order of appearance, and their written statements or summaries will be available for public inspection in the Office of Communications, Room 1014, by March 8.

4. The Hearing Officer is authorized to have complete charge of the hearings and to do all things necessary and proper for the orderly conduct of the hearings. He may exclude testimony, data and material which is deemed improper, irrelevant, or repetitive.

5. Normally, a maximum of 15 minutes will be allowed for individuals and 30 minutes for groups. To the extent possible, groups having identical positions shall be represented by one representative.

6. Participants will not be permitted to examine or cross-examine other participants, although the Hearing Officer or his counsel may question participants for the purpose of obtaining a fuller exposition of their views.

7. There shall be no provision for oral argument at the conclusion of the hearings.

8. The foregoing rules may be relaxed by the Hearing Officer if in his judgment such relaxation would aid the Board in reaching a decision on the proposed regulations. If the number of participants

requires, the Hearing Officer may also schedule hearings in the evening or an additional day of hearings.

9. All interested parties may, after the close of the hearings and as soon as the transcript of the hearings has been prepared, obtain copies of the transcript from the reporting company at their own expense. A copy of the complete record of hearing will be sent, at the expense of the Board, to the Senate Committee on Banking, Housing and Urban Affairs and to the House Committee on Banking and Currency.

Washington, D.C., February 1, 1973.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.73-2338 Filed 2-6-73;8:45 am]

Notices

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

DEPARTMENT OF STATE

[Public Notice CM-5]

ADVISORY COMMITTEE, FOREIGN SERVICE INSTITUTE

Notice of Meeting

The second meeting of the Advisory Committee of the Foreign Service Institute of the Department of State will be held on February 26 and 27, 1973. Both sessions of the meeting will begin at 9:30 a.m. and will be held in Room 1200, Foreign Service Institute, Department of State, 1400 Key Boulevard, Arlington, VA.

The agenda for the meeting covers the following topics: "Training and Career Development in the Foreign Service"; "Economic/Business Training in the Foreign Service"; and "The Foreign Service Institute's Philosophy, Objectives, and Problems."

All sessions of the meeting are open to the public.

Dated: January 24, 1973.

DONALD C. BERGUS,
Executive Secretary.

[FR Doc.73-2303 Filed 2-6-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

ACRYLONITRILE - BUTADIENE - STYRENE TYPE OF PLASTIC RESIN IN PELLET FORM FROM JAPAN

Antidumping Proceeding Notice

FEBRUARY 2, 1973.

On January 2, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that acrylonitrile-butadiene-styrene type of plastic resin in pellet form from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[FR Doc.73-2370 Filed 2-6-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING

Notice of Meetings

Notice is hereby given of open meetings of the Secretary of the Navy's Advisory Board on Education and Training on February 15-16, 1973, at the Headquarters of the Chief of Naval Training, Pensacola, Fla. The purposes of the meetings are to examine the Navy's recruit-, fleet-, and aviation-training programs, procedures for selecting personnel for additional schooling, and Navy education programs.

[SEAL] H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

JANUARY 31, 1973.

[FR Doc.73-2296 Filed 2-6-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

INDIAN EDUCATION FOR HEALTH COMMITTEE

Notice of Public Meeting

The Indian Education for Health Committee was established, pursuant to the provisions of the Act of October 6, 1972, (Public Law 92-436; 66 Stat. 770), for the purpose of advising and assisting in the coordination and improvement of education and health programs for Indians throughout the United States through a joint venture of the Department of the Interior and the Department of Health, Education, and Welfare. The Indian Education for Health Committee will meet at 9 a.m. to 4:30 p.m., February 12 and 13, 1973, in Room 131, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, DC. The purpose of the meeting is to explore ways and means for coordinating and improving the education and health programs for Indians throughout the United States. The proposed agenda includes presentations by representatives of organizations interested in Indian education and health programs.

Because of the recent appointment of the Executive Director, and the aforementioned dates were the only days available to the majority of the participants, the normal 7 days advance notice in the FEDERAL REGISTER is waived. The meeting is open to the public.

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

FEBRUARY 2, 1973.

[FR Doc.73-2394 Filed 2-6-73;8:45 am]

WHITE MOUNTAIN APACHE 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 in Secretarial Order 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 White Mountain Apache Indian Reservation, Ariz., was adopted on August 30, 1972, by the White Mountain Apache Tribal Council, which has jurisdiction over the area of Indian Country included in the ordinance. The ordinance reading as follows: Rescinds Ordinance No. 26 published in the FEDERAL REGISTER, January 21, 1958 (23 FR 364).

ARTICLE I. DEFINITIONS

In this Ordinance, unless the context otherwise requires:

1. "Beer" means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley malt, hops, or other ingredients not drinkable, or any combination of them.

2. "Broken Package" means any container of spirituous liquor on which the U.S. tax seal has been broken or removed, or from which the cap, cork, or seal placed thereupon by the manufacturer has been removed.

3. "Club" includes any of the following organizations where the sale of spirituous liquor for consumption on the premises is made to members only:

(a) A post, chapter, camp or other local unit composed solely of veterans and its duly recognized auxiliary, and which is a post, chapter, camp or other local unit composed solely of veterans which has been chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes, and which has, as the owner, lessee or occupant, operated an establishment for that purpose in this State.

(b) A chapter, aerie, parlor, or other local unit of an American national fraternal organization which has as the owner, lessee or occupant operated an establishment for fraternal purposes in this State. An American national fraternal organization as used

in this subdivision shall actively operate in not less than 36 States or have been in active continuous existence for not less than 20 years.

(c) A hall or building association of such a local unit mentioned in subdivisions (a) and (b), all of the capital stock of which its owned by the local unit or the members and which operates the club room facilities of the local unit.

(d) A golf club which has more than 50 bona fide members which owns, maintains or operates a bona fide golf links together with a club house.

(e) A social club with more than 100 bona fide members who are actual residents of the county in which it is located, which owns, maintains or operates club quarters, and which is authorized and incorporated to operate as a nonprofit club under the laws of this State, and has been continuously incorporated and operating for a period of not less than 1 year. The club shall have had, during such period of 1 year, a bona fide membership with regular meetings conducted at least once each month, and the membership shall be and shall have been actively engaged in carrying out the objects of the club. The club's membership shall consist of bona fide dues paying members paying at least $6 per year, payable monthly, quarterly or annually, which have been recorded by the secretary of the club, and the members at the time of application for a club license shall be in good standing having for at least 1 full year paid dues. At least 51 percent of the members shall have signified their intention to secure a social club license by personally signing a petition, on a form prescribed by the board, which shall also include the correct mailing address of each signer. The petition shall not have been signed by a member at a date earlier than 30 days prior to the filing of the petition. The club shall qualify for exemption from the payment of State income taxes under the provisions of title 43, it being the intent of this paragraph that a license shall not be granted to a club which is, or has been, primarily formed or activated to obtain a license to sell liquor, but solely to a bona fide club, where the sale of liquor is incidental to the main purposes of the club.

4. "Company" or "association," when used in reference to a corporation, includes successors or assigns.

5. "Election days" means the biennial primary election for the nomination of United States, State, county and precinct officers, a special election called pursuant to section 1, article 21 of the Constitution of the State of Arizona, the biennial general election of the State of Arizona and all White Mountain Apache tribal elections.

6. "Off-sale retailer" means any person operating a bona fide regularly established retail liquor store selling spirituous liquors, wines and beer, and any established retail store selling commodities other than spirituous liquors and engaged in the sale or spirituous liquors only in the original package, to be taken away from the premises of the retailer and to be consumed off the premises.

7. "On-sale retailer" means any person operating an establishment where spirituous liquors are sold in the original container for consumption on or off the premises and in individual portions for consumption on the premises.

8. "Person" includes partnership, association, company or corporation, as well as a natural person.

9. "Public places" means any house, building, outhouse or enclosures in which a still or distilling apparatus is operated, or in which any still, distilling apparatus or spirituous liquors upon which all taxes imposed have not been paid.

10. "Sell" includes soliciting or receiving an order for, keeping or exposing for sale, delivering for value, peddling, keeping with intent to sell and trafficking in.

11. "Spirituous liquor" includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than ½ of 1 percent of alcohol by volume.

12. "Vehicle" means any means of transportation by land, water or air, and includes everything made use of in any way for such transportation.

13. "Veteran" means a person who has served in the U.S. Army, Navy, Marine Corps, revenue marine service, as an active nurse in the services of the American Red Cross, in the Army and Navy Nurse Corps in time of war, or in any expedition of the Armed Forces of the United States, and has received a discharge other than dishonorable.

14. "Wine" means the product obtained by the fermentation of grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage fortified with grape brandy and containing not more than 24 percent of alcohol by volume.

ARTICLE II. UNLAWFUL ACTS

It is unlawful:

1. For any person, whether as principal or agent, clerk or employee, either for himself, or for any other person, or for any body corporate, or as officer of any corporation, or as a member of any firm or copartnership or otherwise to buy for resale, sell or deal in spirituous liquors on and within the exterior boundaries of the Fort Apache Indian Reservation, Ariz., without first obtaining all necessary Federal, State and county licenses including, but not restricted to, a Federal license to trade with Indians, pursuant to Part 251, Title 25, Code of Federal Regulations, and a valid license issued by the White Mountain Apache Tribal Council.

2. For a person to buy for resale, sell or deal in spirituous liquors in this State without first having procured a license duly issued by the White Mountain Apache Tribal Council.

3. For a person to sell or deal in alcohol for beverage purposes without first complying with the provisions of this ordinance.

4. For a distiller, winer, brewer, or wholesaler to sell, dispose of or give spirituous liquor to any person other than a licensee, except in sampling ware as may be necessary in the ordinary course of business.

5. For a distiller, winer, or brewer to require a wholesaler to offer or grant a discount to a retailer, unless the discount has also been offered and granted the wholesaler by the distiller, winer, or brewer.

6. For a distiller, winer, or brewer to use a vehicle for trucking or transportation of spirituous liquors unless there is affixed to both sides of the vehicle a sign showing the name and address of the licensee and the type and number of his license in letters not less than 3½ inches in height.

7. For a person to take or solicit orders for spirituous liquors unless he is a licensed salesman or solicitor or a licensed wholesaler or a licensed salesman or solicitor of a distillery, winery, brewery, importer, or broker.

8. For any retail licensee to purchase spirituous liquors from any person other than a licensed solicitor or salesman of a wholesaler licensed in this State.

9. For a retailer to acquire an interest in property owned, occupied, or used by a wholesaler in his business, or in a license with respect to the premises of the wholesaler.

10. For a licensee or any other person to sell, deliver, give or otherwise furnish spirituous liquors to any person under the age of 19 years, or leave or deposit any such spirituous liquors in any place with the intent that the same shall be procured by any person under the age of 19 years, or for a person under the age of 19 years to buy, receive, have in his possession or consume, spirituous liquor. It shall be the responsibility of the licensee or his employee and of any one acting in his behalf to ascertain that the purchaser of any intoxicating beverage either by the drink, or by the bottle or any other container is 19 years of age or older.

11. For a licensee to employ a person under the age of 19 years to manufacture, sell, or dispose of spirituous liquors.

12. For an on-sale retail licensee to employ a person under the age of 19 years in any capacity connected with the handling of spirituous liquors.

13. For a licensee, when engaged in waiting on or serving customers, to consume spirituous liquor or remain on or about the premises while in an intoxicated or disorderly condition.

14. For an employee of a licensee, during his working hours or in connection with his employment, to give to or purchase for any other person, accept a gift of, purchase for himself or consume spirituous liquors.

15. For a licensee or other person to serve, sell, or furnish spirituous liquor to an intoxicated or disorderly person, or for a licensee or employee of the licensee to allow or permit an intoxicated or disorderly person to come into or remain on or about his premises.

16. For an on-sale or off-sale retail licensee or an employee thereof to sell, dispose of, deliver, or give spirituous liquor to a person, or to allow a person to consume spirituous liquors on his premises, between the hours of 1 o'clock a.m. and 6 o'clock a.m. on weekdays and 1 o'clock a.m. and 12 o'clock noon on Sundays.

17. For an on-sale or off-sale retail licensee or an employee thereof to sell, dispose of, deliver or give away spirituous liquor on his premises on election days during the hours polling places are open for voting.

18. For an on-sale retail licensee to employ a female for the purpose of soliciting the purchase of spirituous liquors by patrons of the establishment for themselves, on a percentage basis or otherwise, and no licensee shall serve his female employees or allow a patron of his establishment to give spirituous liquor to, or to purchase liquor for, or drink liquor with, a female employee.

19. For an off-sale retailer to sell spirituous liquors except in the original container, to permit spirituous liquor to be consumed on his premises, or to sell spirituous liquor in a container having a capacity of less than 8 ounces, or for an on-sale retailer to sell spirituous liquor for consumption off the premises in a container having a capacity of less than 8 ounces.

20. For a person to consume spirituous liquor from a broken package in a public place, thoroughfare or gathering, and the license of a licensee permitting a violation of this paragraph on his premises shall be subject to revocation. This paragraph shall not apply to sales of spirituous liquors in individual portions by an on-sale licensee.

21. For a person to have in his possession or to transport spirituous liquor which is manufactured in a distillery, winery, brewery, or rectifying plant contrary to the laws of the United States and this State.

22. For a licensee, employee, or other person to sell or offer to sell, directly or indirectly, or to sanction the sale on credit of spirituous liquor, or to give, rent, or advance money or anything of value to any person for the purpose of purchasing or bartering, spirituous liquor.

23. For a person under 19 years of age to offer or present to a license, employee, or other person a fraudulent or false certificate of birth or other written evidence of age which is not actually his own, or to otherwise misrepresent his age, for the purpose of inducing the licensee or employee to sell, give, serve, or furnish spirituous liquor contrary to law.

24. To influence or attempt to influence the sale, giving, or serving of spirituous liquor to a person under 19 years of age by misrepresenting the age of such person or to order, request, receive, or procure spirituous liquor from any licensee, employee, or other person for the purpose of selling, giving, or serving it to a person under 19 years of age.

25. For any person to consume any intoxicating liquors within 300 feet of a public or parochial school or church building in which services are regularly conducted, except and unless the consumption occurs in the person's residence.

ARTICLE III. LICENSES

SECTION I. The White Mountain Apache Tribal Court of the White Mountain Apache Tribe, Ariz., shall have jurisdiction over all offenses and unlawful acts enumerated in this ordinance when committed by an Indian.

SEC. II. Any person desiring a tribal license to manufacture, sell, or deal in spirituous liquors within the exterior boundaries of the Fort Apache Indian Reservation shall first secure a Federal license to trade with the Indians, and shall then make application for said tribal license to the White Mountain Apache Tribal Council, and the Council shall either deny said application or, subject to the applicant furnishing to the Council a valid license of the same type he is making application for from the Superintendent of the Department of Liquor Licenses and Control of the State of Arizona, approve the application, and the Secretary of the White Mountain Apache Tribal Council shall certify such approval to the Treasurer who, upon the payment by the applicant of the fee herein prescribed, shall issue the license.

SEC. III. The license shall be to manufacture, sell, or deal in spirituous liquors only at the place and in the manner provided therein, and a separate license shall be issued for each specific business, each license specifying:

1. The particular spirituous liquors which the licensee is authorized to manufacture, sell, or deal in.

2. The place of business for which issued.

3. The purpose for which the liquors may be manufactured or sold.

SEC. IV. No tribal licenses shall be transferred without the prior written permission of the White Mountain Apache Tribal Council first hand.

SEC. V. A. A fee shall accompany an application for a tribal license or transfer of a tribal license, or in case of renewal shall be paid in advance. Every license shall expire December 31 of each year. An application for an original license shall be returned to the applicant if the application is denied.

B. Application fees for original tribal license shall be:

1. Tribal distiller's license—$100.

2. Tribal brewer's license—$100.

3. Tribal winer's license—$100.

4. Tribal wholesaler's license to sell all spirituous liquors—$100.

5. Tribal wholesaler's license to sell wine and beer—$100.

6. Tribal on-sale retailer's license to sell all spirituous liquors by individual portions and in the original containers—$100.

7. Tribal on-sale retailer's license to sell wine and beer by individual portions and in the original containers—$50.

8. Tribal on-sale retailer's license to sell beer by individual portions and in the original containers—$50.

9. Tribal off-sale retailer's license to sell all spirituous liquors—$100.

10. Tribal off-sale retailer's license to sell wine and beer—$50.

11. Tribal off-sale retailer's license to sell beer—$50.

12. Tribal club license issued in the name of a bona fide club qualified under this ordinance to sell all liquors on-sale—$100.

C. If application for a license is made on or after July 1 in any year, one-half of the annual license fee shall be charged.

D. The annual fees for tribal licenses shall be:

1. Tribal distiller's license—$350.

2. Tribal brewer's license—$350.

3. Tribal winer's license—$150.

4. Tribal wholesaler's license to sell all spirituous liquors—$250.

5. Tribal wholesaler's license to sell wine and beer—$100.

6. Tribal on-sale retailer's license to sell all spirituous liquors by individual portions and in the original containers—$150.

7. Tribal on-sale retailer's license to sell wine and beer by individual portions and in the original containers—$75.

8. Tribal on-sale retailer's license to sell beer by individual portions and in the original containers—$25.

9. Tribal off-sale retailer's license to sell all spirituous liquors—$50.

10. Tribal off-sale retailer's license to sell wine and beer—$50.

11. Tribal off-sale retailer's license to sell beer—$25.

12. Tribal club license issued in the name of bona fide club qualified under this ordinance to sell all liquors on-sale—$150.

E. Where the business of an on-sale retail license is seasonal, not extending over periods of more than 6 months in any calendar year, he may designate the periods of his operation, and a license may be granted for those periods only, upon payment of one-half the fee prescribed in subsection D.

F. Transfer fees from person to person shall be:

1. Tribal distiller's license—$350.

2. Tribal brewer's license—$350.

3. Tribal winer's license—$150.

4. Tribal wholesaler's license to sell all spirituous liquors—$250.

5. Tribal wholesaler's license to sell wine and beer—$100.

6. Tribal on-sale retailer's license to sell all spirituous liquors by individual portions and in the original containers—$150.

7. Tribal on-sale retailer's license to sell wine and beer by individual portions and in the original containers—$75.

8. Tribal on-sale retailer's license to sell beer by individual portions and in the original container—$25.

9. Tribal off-sale retailer's license to sell all spirituous liquors—$50.

10. Tribal off-sale retailer's license to sell wine and beer—$50.

11. Tribal off-sale retailer's license to sell beer—$25.

G. Transfer fees from place to place shall be $25.

SEC. VI. *Disposition of fees and fines.* All license fees received and all money fines imposed pursuant to this ordinance shall be deposited in the individual Indian moneys account of the Fort Apache Agency.

SEC. VII. *Registration of salesmen or solicitors.* Every manufacturer, distiller, producer, importer and wholesaler within the exterior boundaries of the Fort Apache Indian Reservation shall register with the Superintendent of the Fort Apache Indian Agency, each salesman or solicitor through whom he operates or conducts sales. Upon the termination of the employment of a salesman or solicitor, the employer shall promptly notify the said Superintendent and return the credentials issued to the salesman or solicitor.

SEC. VIII. *Exemptions.* The provisions of this ordinance shall not apply to drugstores selling spirituous liquors only upon prescription or to ethyl alcohol intended for use or used for the following purposes:

1. Scientific, chemical, mechanical, industrial, and medicinal purposes.

2. Use by those authorized to procure spirituous liquor or ethyl alcohol tax-free, as provided by the acts of Congress and regulations promulgated thereunder.

3. In the manufacture of denatured alcohol produced and used as provided by the acts of Congress and regulations promulgated thereunder.

4. In the manufacture of patented, patent, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and industrial preparations or products, unfit and not used for beverage purposes.

5. In the manufacture of flavoring extracts and syrups unfit for beverage purposes.

ARTICLE IV: VIOLATIONS; PENALTIES; JURISDICTION

SECTION I. A. Any Indian person found guilty of violating any of the offenses or unlawful acts enumerated in this ordinance shall be punished by a fine of not less than ten dollars ($10) nor more than three hundred dollars ($300) or by imprisonment in the tribal jail for not less than 10 days nor more than 6 months or both.

B. Any non-Indian licensee violating any provision of this ordinance shall in addition to the penalty prescribed by the laws of the State of Arizona have his license suspended or revoked by the Tribal Council.

SEC. II. All licensees shall comply with the laws of the United States and the State of Arizona governing the manufacture and sale of spirituous liquor and, if the State Department of Liquor Licenses and Control suspends or revokes said license the tribal license will automatically be suspended or revoked.

ARTICLE V

SECTION I. The introduction, sale or possession of intoxicating beverages or spirituous liquors shall hereafter be lawful within the exterior boundaries of the Fort Apache Indian Reservation provided that such introduction, sale or possession is in conformity with this ordinance and with the laws of the State of Arizona.

SEC. II. All resolutions and ordinances, including but not restricted to section 31, Chapter 5 of Ordinance No. 5 of the Law and Order Code of the White Mountain Apache Tribe, Arizona, heretofore enacted prohibiting the sale, introduction or possession of intoxicating beverages on the Fort Apache Indian Reservation are hereby repealed and abrogated.

Be it further enacted that this ordinance may be hereafter amended by resolution of the Tribal Council and approval of same by the Secretary of the Interior or his authorized representative.

Be it further enacted that Ordinance No. 26 and all amendments thereto are hereby rescinded.

WILLIAM L. ROGERS,
Deputy Assistant Secretary of the Interior.

FEBRUARY 1, 1973.

[FR Doc.73-2297 Filed 2-6-73;8:45 am]

Bureau of Land Management

[M 24342: Group 105]

MINNESOTA

Notice of Filing of Plat of Survey

JANUARY 30, 1973.

1. The plat of survey of an omitted island in Willmar Lake, described below, accepted December 29, 1972, will be officially filed in this office effective at 10 a.m., on March 9, 1973.

MINNESOTA

FIFTH PRINCIPAL MERIDIAN

T. 119 N., R. 35 W.
Sec. 11, Tract 37 (Robbins Island)

The area described contains 40.10 acres.

2. The character of this island and the timber growth thereon indicates its existence when Minnesota was admitted to the Union and at the time of the original survey. It is, therefore, determined to be public domain. The island is upland in character within the meaning of the Swamp-land Act.

3. The survey was accomplished to legalize occupancy and has been classified as suitable for sale to the City of Willmar, Minn. under the provisions of the Recreation and Public Purposes Act of June 14, 1926; 43 U.S.C. 869–869.4. The island will not be open to any other applications for use or disposition under the public land laws.

4. All inquiries relating to this island should be sent to Chief, Division of Management Services, Bureau of Land Management, Billings, Mont. 59101.

LARRY O. KOCH,
Acting Chief, Branch of Records and Data Management.

[FR Doc.73-2355 Filed 2-6-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN INSPECTION

Guymon, Okla., Inspection Point

Statement of considerations. On October 25, 1972, there was published in the FEDERAL REGISTER (37 FR 22814) a notice announcing the application of the Guymon Grain Exchange, Inc., Guymon, Okla., for designation to operate an official grain inspection agency, as defined in section 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended 82 Stat. 762; 7 U.S.C. 75(m)), at Guymon, Okla.

Other interested persons and members of the grain industry were given until November 24, 1972, to submit written data, views, or arguments and to make application for designation.

Three comments were received. One comment protested the designation of the Guymon Grain Exchange, Inc. as the official inspection agency at Guymon, based in part on the contention that official inspection services are available at Amarillo, Tex., and Dodge City, Kans., and that such services are not needed in the Guymon area. The other two comments supported the application. One of the two supporting comments represented 15 interested parties, most of whom are cattle feeders in the Guymon area. The cattle feeders consider that official inspection services in the Guymon area are critical to their day-to-day business.

After due consideration of all submissions made pursuant to the notice of October 25, 1972, and all other relevant matters, the Guymon Grain Exchange, Inc. is hereby designated as the official grain inspection agency at Guymon, Okla.

(Secs. 3 and 7, 39 Stat. 482, as amended 82 Stat. 762 and 764; 7 U.S.C. 75(m) and 79(f); 37 FR 28464 and 28476)

Effective date. This notice shall become effective March 9, 1973.

Done in Washington, D.C., on February 1, 1973.

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

[FR Doc.73-2387 Filed 2-6-73;8:45 am]

Forest Service

BRUSHLAND MANAGEMENT, CALIF.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for brushland management on National Forest Lands in California, USDA–FS–FES(Adm) 72–33.

The environmental statement concerns a proposal to modify brushland where the potential exists for management and production of increased benefits. A new plant cover—usually grass or grass and forbs—will be established on selected sites within various brush or woodland associations.

This final environmental statement was filed with CEQ on January 19, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 14th Street and Independence Avenue SW., Washington, D.C. 20250.
USDA, Forest Service, California Region, 630 Sansome Street, San Francisco, CA 94111.
All California National Forests, Forest Supervisor's Office

A limited number of single copies are available upon request to Douglas R. Leisz, Regional Forester, U.S. Forest Service, 630 Sansome Street, San Francisco, CA 94111.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JANUARY 31, 1973.

[FR Doc.73-2348 Filed 2-6-73;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE AND ITS SUBCOMMITTEE ON AGRICULTURAL RESEARCH PROGRAMS AND FACILITIES

Notice of Public Meetings

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given of a meeting of the Agricultural Research Policy Advisory Committee at 9 a.m. on February 20 and 21 in Room 218–A of the Administration Building, U.S. Department of Agriculture, and of a meeting of this Committee's Subcommittee on Agricultural Research Programs and Facilities on February 15, 1973, in Room 3115 of the South Building, U.S. Department of Agriculture. These meetings will be open to the public.

The names of the members of the Committee and the Subcommittee, agenda, summary of the meetings and other information pertaining to the meetings may be obtained from Dr. Lloyd H. Davis, Director of Science and Education Staff, Room 307–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. Telephone 447–7738.

N. P. RALSTON,
Acting Director, Science and Education.

FEBRUARY 1, 1973.

[FR Doc.73-2349 Filed 2-6-73;8:45 am]

Soil Conservation Service

SHORT CREEK WATERSHED PROJECT, KY.

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 Short Creek Watershed project, Grayson County, Ky., USDA–SCS–ES–WS–(ADM)–73–43–(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by three floodwater retarding structures and 4½ miles of channel modification.

This draft environmental statement was transmitted to CEQ on January 18, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th Street and Independence Avenue SW., Washington, D.C. 20250.
Soil Conservation Service, USDA, 333 Waller Avenue, Lexington, KY 40504.

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 $3.25.

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 request for additional information should be addressed to Glen E. Murray, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, KY 40504.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

FEBRUARY 1, 1973.

[FR Doc.73-2350 Filed 2-6-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-599]

ROBERT W. LEPPALUOTO

Notice of Loan Application

JANUARY 31, 1973.

Robert W. Leppaluoto, 417 Santa Fe Drive, Vancouver, WA 98661, has applied for a loan from the fisheries loan fund to aid in financing the purchase of a new Fiberglas vessel, about 45 feet in length, to engage in the fishery for Dungeness crab, salmon and tuna off the coasts of California, Oregon, and Washington.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, fisheries loan fund procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before March 7, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-2298 Filed 2-6-73;8:45 am]

[Docket No. S-600]

DALE S. BEASLEY AND EDITH M. BEASLEY

Notice of Loan Application

JANUARY 31, 1973.

Dale S. Beasley and Edith M. Beasley, Box 461, Ilwaco, WA 98624, have applied for a loan from the fisheries loan fund to aid in financing the purchase of a used wood vessel, about 37 feet in length, to engage in the fishery for salmon and albacore off the coasts of Washington, Oregon, and California.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, fisheries loan fund procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before March 9, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-2299 Filed 2-6-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

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

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

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

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

U.S. ATOMIC ENERGY COMMISSION

Patent-3 632 520, Radioisotope fuel, filed January 4, 1968, Patented June 4, 1972, Not available NTIS.
Patent-3 633 688, Concentric fluidized beds, Filed February 19, 1970, Patented January 11, 1972, Not available NTIS.
Patent-3 634 558, Method of producing monodisperse silica spheres having a dispersed radioactive tracer, Filed October 29, 1968, Patented January 11, 1972, Not available NTIS.
Patent-3 634 563, Method for the manufacture of inorganic thermal insulation, Filed March 13, 1970, Patented January 11, 1972, Not available NTIS.
Patent-3 634 731, Generalized circuit, Filed August 6, 1970, Patented January 11, 1972, Not available NTIS.
Patent-3 638 020, Mineral-detection apparatus, Filed May 26, 1970, Patented January 25, 1972, Not available NTIS.
Patent-3 638 127, Stabilization system for resonant cavity excitation, Filed January 29, 1970, Patented January 25, 1972, Not available NTIS.
Patent-3 640 805, Removal of nitrate contamination from nickel-plating solutions, Filed June 13, 1969, Patented February 8, 1972, Not available NTIS.
Patent-3 644 821, Capacitance method and apparatus for detecting an interface between electrically conductive immiscible liquids, Filed January 14, 1969, Patented February 22, 1972, Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Pat-Appl-186700, Automatic vehicle location system, Filed October 5, 1971, PC$3.75/MF$0.95.
Pat-Appl-297127, Differential phase shift keyed signal resolver, Filed October 12, 1972, PC$3.25/MF$0.95.
Pat-Appl-244566, Star tracking reticles process for the production thereof, Filed April 17, 1972, PC$3.25/MF$0.95.
Pat-Appl-288847, Electric field measuring and display system, Filed September 13, 1972, PC$3.00/MF$0.95.
Pat-Appl-292682, Automatic lightning detection and photographic system, Filed September 27, 1972, PC$3.00/MF$0.95.

[FR Doc.73-2178 Filed 2-6-73;8:45 am]

Advisory Council for Minority Enterprise

BUSINESS OPPORTUNITIES COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776) notice is hereby given that a public meeting of the Business Opportunities Committee of the Advisory Council for Minority Enterprise will be held on February 15, 1973 in Room 1851 of the U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. The meeting will convene at 10 a.m. and will be open to the public. Any member of the public who wishes to do so may

file a written statement with the Committee, before or after the meeting. Such statements may be filed at 1000 Vermont Avenue, Washington, DC (202—697–3922). Interested persons may make oral statements at the meeting to the extent that the time available for the meeting permits.

The purpose of the meeting is to develop a plan of action for the forthcoming year based on responses to inquiries mailed to the members by the Chairman, and to review the results of the Executive Committee meeting held January 24, 1973.

Dated: February 2, 1973.

JOHN TOPPING,
Staff Director, Advisory Council for Minority Enterprise.

[FR Doc.73–2386 Filed 2–6–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 12872; Docket No. FDC–D–572; NDA 12–872]

COMBINATION DRUG CONTAINING NORETHINDRONE ACETATE AND ETHINYL ESTRADIOL

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application; Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for oral administration as a presumptive test for pregnancy:

Gestest tablets containing norethindrone acetate and ethinyl estradiol; E. R. Squibb and Sons Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 12–872).

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated this drug and found it effective for oral use as a presumptive test of pregnancy.

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and finds that although this drug is effective for its labeled indication, the diagnostic benefits do not outweigh the potential dangers from the drug in the presence of pregnancy. In view of the potential danger, and the availability of a number of very accurate chemical tests to detect pregnancy, the Food and Drug Administration concludes that proof of the drug's safety is lacking.

Therefore, 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 on the grounds that new evidence, not contained in the new drug application or not available to him until after the application was approved, evaluated together with the evidence available to him when the application was approved, reveals that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). 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. 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.

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) should not be withdrawn.

On or before March 9, 1973, the applicant(s) and any other interested person is required to 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 March 9, 1973, 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).

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 9, 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 the applicant or any other interested person warrants the conclusion that the drug is safe for use under the conditions of use prescribed, recommended, or suggested in its labeling, 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 of withdrawal making findings and conclusions on such data.

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 9, 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.

Requests for a hearing and/or elections not to request 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. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–2310 Filed 2–6–73;8:45 am]

[DESI 10296; Docket No. FDC–D–523; NDA 10–296]

ELI LILLY AND CO.

Combination Drug Containing Diethylstilbestrol, Methyltestosterone and Reserpine for Oral Use; Notice of Withdrawal of Approval of New Drug Application

On November 15, 1972, there was published in the FEDERAL REGISTER (37 FR 24204) a notice of opportunity for hearing (DESI 10296) 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 10-296; Tylandril tablets containing diethylstilbestrol, methyltestosterone, and reserpine; Eli Lilly and Co., Post Office Box 618, Indianapolis, IN 46206.

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 Eli Lilly 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 10-296 and all amendments and supplements applying thereto is withdrawn effective on February 1, 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: February 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-2311 Filed 2-6-73;8:45 am]

[Docket No. FDC-D-477; NADA 6-888V]

MEGASUL (NITROPHENIDE) PREMIX 25 PERCENT

Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of December 1, 1972 (37 FR 25560), the Commissioner of Food and Drugs published a notice proposing to withdraw approval of new animal drug application (NADA) No. 6-888V for Megasul (Nitrophenide) Premix 25 percent; marketed by the American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540.

Neither the American Cyanamid Co. nor any other interested persons have filed a written appearance in response to the above-cited notice. This constitutes 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 the above named new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drugs, 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. 6-888V, including all amendments and supplements thereto, is hereby withdrawn effective on March 9, 1973.

Dated: January 29, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-2312 Filed 2-6-73;8:45 am]

[DESI 4687; Docket No. FDC-D-503; NDA No. 4-687, etc.]

MERCK, SHARP & DOHME AND MERRELL-NATIONAL LABORATORIES

Certain Preparations Containing Polyamine Methylene Resin, Aluminum Sodium Silicate and Aluminum Magnesium Silicate; Succinylsulfathiazole, Kaolin and Pectin; Withdrawal of Approval of New Drug Applications

Correction

In FR Doc. 72-22092, appearing on page 28526, in the issue of Wednesday, December 27, 1972, in the table in the second column, the first word "Resin", in the second entry under the heading "Drug", should read "Resion".

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT

Facilities Engineering and Construction Agency; Statement of Organization, Functions, and Delegations of Authority

Part 1 of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare is amended to add a new section (1T02). This new section supersedes 2-002.10, 2-002.20 and 2-002.30 (35 FR 8455) as follows:

SEC. 1T02.00 *Mission.* The mission of FECA, to be performed in cooperation with the various Department operating agencies and staff offices, includes:

1. Providing architectural/engineering services to Department operating agencies and staff offices in support of the federally assisted construction activity.

2. Establishing and maintaining liaison with Department operating agencies and staff offices, regional offices, and field installations, other Federal departments and agencies, project representatives, and the general public as may be necessary to carry out the mission of FECA.

3. Establishing and administering a Department program to provide national leadership for innovative methodology, technology, and cost effectiveness in facility planning, design, and construction.

4. Developing architectural/engineering design- and construction-related technical standards and criteria for the Department direct Federal special-purpose construction activity and, similarly, guides for the Federally assisted construction activity.

5. Developing in conjunction with Department operating agencies and staff offices, national annual and long-range programs for the acquisition, construction, utilization, operations and maintenance, repair and improvement, and disposal of Department real property, with the exception of school facilities under sections 9 and 10, Public Law 81-815. (As used in this statement, Department real property includes property owner by the Government as well as property which is leased or assigned for Government use.)

6. Technical surveillance and performance evaluation of all aspects of facility engineering functions, including all architectural/engineering services and plant operations assigned to Department operating agencies and staff offices, with respect to responsibilities, efficiency of operations, and utilization of manpower and other resources.

7. Providing supervision of architectural/engineering design and related construction services for the Department direct Federal special-purpose construction activity.

8. Development and execution of DHEW policies and procedures for facilities related matters.

9. Providing contracting services for the Department direct Federal special-purpose construction and real property activities.

SEC. 1T02.10 *Organization.* FECA, under the supervision of the Director, who reports directly to the Assistant Secretary for Administration and Management, consists of:

Office of the Director:
- Policy Development Staff.
- Administrative Staff.
- Metropolitan Engineering Staff.

Office of Planning and Development:
- Division of Facility Engineering Planning.
- Division of Facility Engineering Development.

Office of Federally Assisted Construction:
- Division of Management Information.
- Division of Operations.

Office of Architectural and Engineering Services:
- Division of Design Management.
- Division of Architecture.
- Division of Engineering.

Office of Facilities Operations and Maintenance:
- Division of Plant Management.
- Division of Real Property.
- Division of Space Management.

SEC. 1T02.20 *Headquarters functions.* A. Office of the Director. The Office of the Director (FECA) shall be responsible for:

1. *Office of the Director.* a. Administration and supervision of all FECA activities and personnel resources.

b. Review of operating agency and staff office architectural and engineering manpower budgetary requirements for recommendations to the Office of the Secretary in relation to the Department's manpower utilization program.

c. In conjunction with Department operating agencies and staff offices, justifying the architectural engineering and related technical aspects of annual budget submittals for the acquisition, construction, utilization, operation and maintenance, repair and improvement, and disposal of Department facilities before the Office of Management and Budget and Congress.

2. *Policy Development Staff.* a. Defining and implementing policies and procedures, and coordinating their development with the various Department operating agencies and staff offices, and other Federal departments and agencies.

b. Advising the Director on congressional inquiries and other legislative matters affecting FECA.

c. Serving as the focal point within FECA for development of grant program policy and procedures and for direct Federal contracting matters regarding architectural/engineering and construction services.

d. Developing policies, procedures, and regulations for the Departmentwide implementation of the Uniform Relocation Act, Public Law 91-646.

e. Providing broad legal guidance to the Director on FECA operations, and serves as liaison with the Department's Office of General Counsel in the development and application of such policies and procedures.

f. Developing and providing policies and procedures, in conjunction with the Office of Procurement and Materiel Management, for DHEW-wide use in contracting for direct Federal architectural/engineering and construction services, and providing related operational and technical guidance and surveillance.

3. *Administrative Staff.* Developing FECA administrative practices and procedures and annual operating budgets; personnel administration; control and editing of correspondence and publications; control of supply, space allocation, and travel funds; managing files and security controls; establishing and maintaining a resource materials library; and performing other administrative functions as may be necessary.

4. *Metropolitan Enginering Staff.* a. Performing architectural/engineering and construction-related technical services as pertinent and as listed in section 1T02 a 2, 1T02 a 4, and 1T02 a 5, for direct Federal construction activities in the Washington-Baltimore metropolitan area.

b. Reviewing and coordinating with GSA on job orders for repair, modification, and services for headquarters facilities in the Washington-Baltimore metropolitan area; managing and distributing bulk parking space within the Southwest area complex; developing policy on building equipment operation and liaison with GSA for maintenance and operation of building utilities and equipment and cleaning and custodial services for headquarters facilities in the Washington-Baltimore metropolitan area; and providing liaison with GSA for building services to concessionaires, credit unions, and employee associations in the headquarters facilities in the Washington-Baltimore metropolitan area.

B. Office of Planning and Development. The Office of Planning and Development shall be responsible for:

1. *Division of Facility Engineering Planning.* a. Developing, publishing, and managing policies and procedures for translating long-range program plans into Federal facility requirements with necessary and appropriate budgetary documentation, for DHEW involvement in facility comprehensive planning.

b. Providing facility enginerineg and comprehensive planning consulting services to elements of DHEW, and as appropriate, to other Federal departments, public bodies and private institutions.

c. Acting as focal point for FECA interface with planning, budgetary, and management elements of OS, Department Operating Agencies, OMB, and GSA.

d. Serving as point of FECA contact for participation in the DHEW Operational Planning System.

e. Determining and documenting facility requirements for department headquarters complex to include schedules, justifications, and budgetary implications.

f. Developing and promulgating principles and techniques to relate urban planning to health, education, and welfare facilities.

2. *Division of Facility Engineering Development.* a. Identifying the advanced state-of-the-art of building and formulate application priorities and strategies responsive to DHEW facility programs.

b. Providing consultant services in the facility development area to department operating agencies and OS elements, other Federal departments and agencies, and where appropriate, to public and private institutions.

c. Sponsoring DHEW involvement in special demonstration projects utilizing innovative techniques for facility development.

d. Developing and promulgating principles and techniques in systems building, construction management/phased design and construction, and life cycle costing.

C. Office of Federally Assisted Construction. The Office of Federally Assisted Construction shall be responsible for:

1. *Division of management information.* a. Developing, maintaining, and coordinating architectural/engineering and construction-related reporting systems for the Department direct Federal special-purpose and federally assisted construction activities.

b. Analyzing reporting systems to develop feedback information to FECA architectural/engineering staffs which will enable evaluation of project progress cost statistics and other necessary engineering management information.

2. *Division of operations.* a. Providing direction and supervision to the regional facilities engineering and construction staffs in support of the federally assisted construction activity.

b. Developing policies and procedures for guidance of regional facilities engineering and construction staff.

c. Evaluating architectural engineering performances rendered in support of the federally assisted construction activity.

d. Coordinating with the Office of Architectural and Engineering Services (FECA) and operating agencies and staff offices, the development of guides and other informational data for use by project applicants, architects/engineers, and contractors.

e. Carrying out a continuing program for the monitoring of project design development and construction progress.

f. Maintaining liaison with Department operating agencies, staff officers, and regional offices.

g. Coordinating, with the Office for Civil Rights, Office of the Secretary, equal employment activities in construction.

h. Coordinating, with the Department of Labor, the need and issuance of Federal wage determinations for both Federal and federally assisted construction projects and the resolution of violations in the area of Federal fair labor standards.

D. Office of Architectural and Engineering Services. The Office of Architectural and Engineering Services shall be responsible for:

1. *Division of design management.* a. Selecting methods and means for providing architectural/engineering and design and related construction services in support of the Department direct Federal special-purpose construction activity.

b. Establishing design and construction schedules and monitoring project progress to insure availability of facilities to meet user occupancy dates.

c. Developing policies and procedures for guidance of regional office staffs and field installations.

d. Coordinating the development of architectural/engineering and construction contract documents with the contracting officer.

e. Providing upon request, specialized consultant services to Department operating agencies, staff offices, regional offices, and field installations relative to the furnishing and equipping of projects.

2. *Division of architecture.* a. Providing upon request, specialized architectural consultant services to Department operating agencies, staff offices, regions, field installations, and project applicants and their representatives with respect to both direct Federal special-purpose and federally assisted construction activities.

b. Developing architectural design standards, criteria, and technical specifications for uniform application to the

direct Federal special-purpose construction activity and guides for the federally assisted construction activity.

c. Supervising architectural design functions for the Federal special-purpose construction activity.

d. Technical surveillance of architectural services being rendered by Department operating agency, staff office, regional office, and field installation staffs.

e. Promoting the utilization of the life-cycle cost concept in all architectural design.

f. Providing drafting and visual aids services for FECA.

3. *Division of engineering.* a. Providing upon request, specialized engineering consultant services to Department operating agencies, staff offices, regional offices, field installations, and project applicants and their representatives with respect to both direct Federal special-purpose and federally assisted construction activity.

b. Developing engineering design standards, criteria, and technical specifications for uniform application to direct special-purpose Federal construction activity and guides for federally assisted construction activity.

c. Supervising civil, mechanical, and electrical design functions for Federal special-purpose construction activity.

d. Technical surveillance of engineering services being rendered by Department operating agency, staff office, regional office, and field installation staffs.

e. Promoting the utilization of the life-cycle cost concept in all engineering design.

E. Office of Facilities Operations and Maintenance. The Office of Facilities Operations and Maintenance shall be responsible for:

1. *Division of plant management.* a. Developing and implementing an integrated facilities engineering management system for the identification, management, operation and maintenance, and analysis of Department-owned and utilized facilities in support of annual and long-range and budgetary requirements.

b. Developing and publishing policies and procedures for all areas of DHEW interest and involvement in operations and maintenance of DHEW real property in support of Department agency requirements.

c. Acting as the focal point for FECA interface with all government and non-government elements concerned with socio-economics compliance in Department-owned and utilized facilities.

d. Administering and supervising a continual program for:

(1) Evaluation of Department real property condition and operations for compliance with applicable safety, health, fire protection, environmental, and energy conservation standards.

(2) Technical surveillance and performance evaluation of DHEW facility operations and maintenance activities.

(3) Evaluation of maintenance, and custodial services operations, furnished by other Federal departments, facility support agencies and private lessors on real property owned by the Department or occupied under lease, assignment, license or use permit.

(4) Development of technical material and standards for guidance of regional office staffs and field installation personnel for the operation, maintenance, repair, and improvement of Department real property.

(5) Application of adequate and acceptable entomological control, grounds maintenance, snow removal, and other facility related services.

(6) Furnish upon request, specialized plant maintenance and operation consultant services to headquarters, agencies, regional offices, and field installations.

2. *Division of real property.* a. Providing operational guidance and where necessary, performance, to assist the ROFEC's and Department operating agencies in DHEW real property activities.

b. Maintaining a real property inventory, cost and facility management system for DHEW owned and utilized Federal facilities, and facility engineering activities related thereto.

c. Performing analysis of real property and facility data to provide management data to the OS and Department operating agencies.

d. Acting as the focal point for FECA interface with all government elements concerning DHEW real property activities.

e. Acting as principal point of contact with GSA–PBS headquarters elements for departmentwide involvement in real property acquisition, management and disposal actions.

f. Providing real property consulting services to elements of DHEW.

g. Developing and publishing policies and procedures for all areas of DHEW interest in real property.

h. Interpreting statutory requirements and pertinent Federal directives on Department real property acquisition, utilization, and disposal.

3. *Division of space management.* a. Coordinating, with General Services Administration, the acquisition, utilization, and disposal of GSA assigned space for DHEW.

b. Providing operational guidance and technical assistance to regional office staff and Department operating agencies relating to GSA assigned space.

c. Operating the Space Management Center providing briefings, graphic displays and information to the OS and Department operating agencies, on Federal facilities, planning, acquisition, and inventory.

d. Collecting and analyzing data concerning all activities related to GSA assigned space as well as the identification and resolution of specific problem areas with GSA, Department operating agencies, and OS as appropriate.

e. Coordinating the development of standards and guides on the procurement and utilization of GSA assigned space.

f. Providing consulting service to elements of DHEW in matters related to GSA assigned space.

g. Developing and publishing policies and procedures for all areas of DHEW interest in acquisition, management and disposal of GSA assigned space.

Date: February 1, 1973.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc.73-2362 Filed 2-6-73;8:45 am]

Social and Rehabilitation Service

ALLOTMENT PERCENTAGES FOR PURPOSES OF VOCATIONAL REHABILITATION SERVICES

Promulgation

Pursuant to section 11(h) of the Vocational Rehabilitation Act (68 Stat. 661, 29 U.S.C. 41(h)), as amended, and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to the per capita income of the States and of the United States are the years 1969, 1970, and 1971, the following allotment percentages for the several States, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam, as determined pursuant to said act and on the basis of said income data, are hereby promulgated, to be conclusive, for each of the 2 fiscal years beginning July 1, 1973, and July 1, 1974. The allotment percentages shall in no case be more than 75 per centum or less than 33⅓ per centum, and the allotment percentage for the District of Columbia, Puerto Rico, Guam, and the Virgin Islands shall be 75 per centum.

Alabama	63.43	New Hampshire	54.08
Alaska	42.00	New Jersey	42.03
Arizona	54.01	New Mexico	60.57
Arkansas	63.72	New York	39.80
California	43.63	North Carolina	59.18
Colorado	51.25	North Dakota	59.26
Connecticut	38.89	Ohio	49.22
Delaware	43.92	Oklahoma	57.88
Florida	53.42	Oregon	52.51
Georgia	57.16	Pennsylvania	50.08
Hawaii	43.24	Rhode Island	50.20
Idaho	58.84	South Carolina	62.73
Illinois	42.61	South Dakota	59.35
Indiana	51.13	Tennessee	60.76
Iowa	52.70	Texas	54.98
Kansas	50.20	Utah	59.14
Kentucky	60.64	Vermont	56.14
Louisiana	61.13	Virginia	53.80
Maine	59.19	Washington	48.97
Maryland	45.74	West Virginia	61.65
Massachusetts	45.05	Wisconsin	52.87
Michigan	46.43	Wyoming	53.45
Minnesota	51.34	Dist. of Col.	75.00
Mississippi	67.13	Guam	75.00
Missouri	52.82	Puerto Rico	75.00
Montana	56.59	Virgin Islands	75.00
Nebraska	51.61		
Nevada	42.19		

Dated: February 1, 1973.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

[FR Doc.73-2339 Filed 2-6-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-139; Administrative Division Docket No. Z-164]

BLUE RIDGE LAKES, ET AL.

Notice of Hearing

Notice is hereby given that:

1. Blue Ridge Lakes, Inc., its officers and agents, hereinafter referred to as "respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing dated November 22, 1972, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the developer's statement of record for Blue Ridge Lakes, sections B, C, and D and Barry Lake A and the failure of the developer to amend the pertinent sections of the statement of record and property report.

2. The respondent filed an answer received December 2, 1972, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Paul N. Pfeiffer in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, DC on February 12, 1973, at 2 p.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, DC 20410 on or before February 2, 1973.

5. The respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: February 1, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-2352 Filed 2-6-73;8:45 am]

[Docket No. N-73-137; Administrative Division Docket No. 72-16]

CHINO VALLEY ESTATES, ET AL.

Notice of Hearing

Notice is hereby given that:

1. Consolidated Mortgage Corp., its officers and agents, hereinafter referred to as "respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing dated December 29, 1973, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the developer's statement of record for Chino Meadows, AKA Chino Valley Estates and the failure of the developer to amend the pertinent sections of the statement of record and property report.

2. The respondent filed an answer received January 18, 1973, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Paul N. Pfeiffer in Room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, DC, on February 16, 1973, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before February 9, 1973.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: February 1, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-2351 Filed 2-6-73;8:45 am]

[Docket No. N-73-138; Administrative Division Docket No. Z-193]

LEISURE VILLAGE, ET AL.

Notice of Hearing

Notice is hereby given that:

1. Leisure Time Corp., its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing dated December 13, 1972, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's Statement of Record for Leisure Village and the failure of the Developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer received January 12, 1973, in answer to the allegations of the Notice of Proceedings and Opportunity for a Hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for a Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Paul N. Pfeiffer in Room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, DC on February 12, 1973, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before February 2, 1973.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: February 1, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-2353 Filed 2-6-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-73-16N]

INDUSTRY ADVISORY COMMITTEE ON RULES OF THE ROAD

Notice of Open Meeting

This is to give notice pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that the Industry Advisory Committee on Rules of the Road, U.S. Coast Guard, will conduct an open meeting on Wednesday, February 21, 1973, at Nassif Building, 400 Seventh Street SW., Washington, DC, beginning at 10 a.m. in Room 8332.

The Industry Advisory Committee on Rules of the Road is a 20 member committee authorized by the Secretary of Transportation. The Committee provides advice and consultation with respect to matters concerned with proposals affecting the Rules of the Road.

The agenda for the February 21 meeting consists of the following:

Ratification of the Convention on International Regulations for Preventing Collisions at Sea, 1972. Members are requested to advise methods for seeking support nationally for early ratification of this Convention which will replace the International Regulations for Preventing Collisions at Sea, 1960. Subject to ratification by a requisite number of nations, the Convention will come into force not earlier than January 1, 1976.

Unification of U.S. Rules of the Road. Members are requested to advise methods for seeking unification and consolidation of the Inland, Great Lakes, Western Rivers and Pilot Rules and be prepared to make recommendations regarding desirability to unify national rules.

Any items for IMCO Maritime Safety Committee meeting. Next meeting of IMCO Maritime Safety Committee is in March 1973. Items of interest to the Industry Advisory Committee on Rules of the Road, if any, should be received before meeting date. Members are requested to advise on any such matters.

Any other business, members are invited to present views on subjects which should be placed on future agendas or which are pertinent to the safety of navigation as it relates to the rules of the road.

Any member of the public who wishes to do so may file a written statement with the Industry Advisory Committee on Rules of the Road, before or after the meeting, or may present an oral statement with the advance approval of the Chairman.

Interested persons may request additional information concerning the February 21 meeting and other matters relating to the Industry Advisory Committee on rules of the Road (pursuant to the Federal Advisory Committee Act, section 10(b), dated October 6, 1972) from Capt. Stuart S. Beckwith, Executive Director, Industry Advisory Committee on Rules of the Road, U.S. Coast Guard Headquarters (GMVI/83), 400 Seventh Street SW., Washington, DC 20590 or by calling 202—426-2178.

Dated: February 2, 1973.

W. F. Rea, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.73-2367 Filed 2-6-73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE, AD HOC TASK FORCE ON ADJUDICATION

Notice of Public Meeting

On February 24, 1973, the National Highway Safety Advisory Committee's Ad Hoc Task Force on Adjudication will hold an open meeting at the Seasons Hotel, 209 North Atlantic Boulevard, Fort Lauderdale, FL.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized: (1) To review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Ad Hoc Task Force on Adjudication is composed of attorneys and judges from the full Committee and has been assigned the task of exploring means for effective adjudication of traffic offenses, including administrative adjudication, and to consider the ramifications of sentencing alternatives. The task force will report the results of its findings to the full Committee at its spring meeting.

The Ad Hoc Task Force will meet from 9:30 a.m. to 5 p.m. with the following agenda:

Review Reorganization of Lower Court Systems,
Administrative Adjudication Program of New York State,
Legislative Background for Florida's Development and Implementation of Administrative Adjudication Procedures.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, 202-426-2872.

This notice is given pursuant to Executive Order 11686, October 7, 1972.

Issued on: February 1, 1973.

Calvin Burkhart,
Executive Secretary.

[FR Doc.73-2397 Filed 2-6-73;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL COMMISSON

HORIZONS '76 COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to Public Law 92-463 approved October 6, 1972, that the following American Revolution Bicentennial Commission Horizons '76 Committee meeting will be held on February 7, 1973:

Horizons '76 committee. The Horizons '76 Committee will hold an open meeting (with the exception of the agenda item asterisked below) on February 7, 1973, at 9:30 a.m. in the ARBC Conference Room, 736 Jackson Place NW., Washington, DC 20276. The Committee membership is composed of eleven ARBC Commissioners and the Chairman of the Horizons Advisory Group. Items on the agenda include:

Horizons National Action Guide.
Call for Achievements.
William F. Buckley's suggestion for a Clean Water Bond Issue.
Proposals under consideration: Environmental Transportation Intern Program.
North Carolina Bicentennial Resolution.
Bicentennial Communities.
Amerind Conference Report.
Report on immediate and anticipated expenditures*.

Dated: February 5, 1973.

Hugh A. Hall,
Acting Director, American Revolution Bicentennial Commission.

[FR Doc.73-2555 Filed 2-6-73;11:07 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-398, 50-399]

PACIFIC GAS AND ELECTRIC CO.

Notice of Withdrawal of Application for Utilization Facility Licenses

Please take notice that Pacific Gas and Electric Co. (PG&E), 77 Beale Street, San Francisco, CA 94106, by letter dated January 19, 1973, requested withdrawal of its application for licenses to construct and operate two nuclear reactors on a site located on the Pacific Ocean, adjacent to the City of Point Arena in Mendocino County, Calif., midway between San Francisco and Eureka. By letter dated January 30, 1973, the Atomic Energy Commission (Commission) approved, pursuant to § 2.107 of 10 CFR Part 2, withdrawal without prejudice of PG&E's application for authorization to construct and operate the Mendocino Power Plant, Units 1 and 2. Copies of PG&E's letter of withdrawal and the Commission's letter of approval are available for inspection in the Commission's Public Document

Room, 1717 H Street NW., Washington, DC 20545, and at the Mendocino County Library, 105 North Maine Street, Ukiah, CA 95482.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 22, 1971, 36 FR 18807.

Dated at Bethesda, Md., this 30th day of January 1973.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Boiling Water Reactors Branch 2, Directorate of Licensing.

[FR Doc.73-2308 Filed 2-6-73;8:45 am]

[Docket No. 50-281]

VIRGINIA ELECTRIC & POWER CO.

Notice of Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-37 to Virginia Electric & Power Co. (the licensee) which authorizes the licensee to operate the Surry Power Station, Unit No. 2 at reactor core power levels not in excess of 2441 megawatts (thermal), in accordance with the provisions of the license and the technical specifications. The Surry Power Station Unit No. 2 is a pressurized water nuclear reactor located at the licensee's site in Surry County, Va.

The Notice of Consideration of Issuance of Facility Operating License was published in the FEDERAL REGISTER on March 28, 1972 (37 FR 6347). The notice indicated that the Commission would consider the issuance of a facility operating license upon submission of a favorable safety evaluation on the application by the Commission's Division of Reactor Licensing (now Directorate of Licensing), the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, and a finding by the Commission that the application for the facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Ch. 1. The Notice provided that on or before March 9, 1973, Virginia Electric & Power Co. could file a request for a hearing and any person whose interest may be affected by this proceeding could file a petition for leave to intervene (1) with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values; and (2) with respect to the issuance of a facility operating license. No request for hearing or petitions to intervene were filed.

The Commission's regulatory staff has inspected the facility and has determined that for operation as authorized by this license, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-44, as amended, the Atomic Energy Act of 1954, as amended, and the Commission's regulations. The licensee has submitted proof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

The Director of Regulation has made the findings which are set forth in the license, and has concluded that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Ch. 1, and that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

The license is effective as of the date of issuance and shall expire on June 25, 2008, unless extended for good cause shown or upon the earlier issuance of a superseding operating license.

A copy of (1) Facility Operating License No. DPR-37, complete with technical specifications, (2) the applicant's environmental report dated December 1, 1971 and Revision 1 to environmental report supplement thereto dated February 29, 1972, (3) the report of the Advisory Committee on Reactor Safeguards, dated December 17, 1971, (4) the "Safety Evaluation by the Division of Reactor Licensing (now Directorate of Licensing), U.S. Atomic Energy Commission in the Matter of Virginia Electric & Power Co., Surry Power Station Units 1 and 2," dated February 23, 1971, (5) the final safety analysis report and amendments thereto, (6) the draft detailed statement on environmental considerations, dated March 1972, and (7) the final detailed statement on environmental considerations, dated June 1972, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of items (1), (4), (6), and (7) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 29th day of January 1973.

For the Atomic Energy Commission.

ROGER S. BOYD,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-2307 Filed 2-6-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

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 23, 1973, the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary for Land Use Policies and Environmental Matters, Office of the Secretary.

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

[FR Doc.73-2342 Filed 2-6-73;8:45 am]

DEPARTMENT OF AGRICULTURE

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 January 22, 1973, the authority of the Department of Agriculture to fill by noncareer executive assignment in the expected service the position of Deputy Administrator, Food and Nutrition Service, Office of the Administrator.

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

[FR Doc.73-2343 Filed 2-6-73;8:45 am]

DEPARTMENT OF AGRICULTURE

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 January 23, 1973, the authority of the Department of Agriculture to fill by noncareer executive assignment in the accepted service the position of Deputy Under Secretary, Office of the Secretary.

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

[FR Doc.73-2344 Filed 2-6-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 August 18, 1972, the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary, Office of the Assistant Secretary (Community and Field Services), Office of the Secretary.

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

[FR Doc.73-2341 Filed 2-6-73;8:45 am]

DEPARTMENT OF JUSTICE

Revocation 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 revoked on January 26, 1973, the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Field Services, Community Relations Service.

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

[FR Doc.73-2345 Filed 2-6-73;8:45 am]

DEPARTMENT OF JUSTICE

Revocation 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 revoked on January 26, 1973, the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Legal Counsel and Special Assistant to the Director, Community Relations Service.

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

[FR Doc.73-2346 Filed 2-6-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENT

List of Statements Received

Environmental impact statements received by the council from January 22 through January 26, 1973.

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

DEPARTMENT OF AGRICULTURE

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

FOREST SERVICE

Final, January 23.

Brushland Modification on National Forests, Calif. County: several. The statement refers to the proposed reduction of brushland sites, through the use of mechanized equipment, prescribed burning, and herbicides, and replanting with grasses and forbs. The purpose of the action is the mitigation of the potential for brush wildfires and subsequent flooding. Air, water, and soil quality will be affected, non-target plant species will be hit. (176 pages) Comments made by: USDA, COE, EPA, and DOI state and local agencies and concerned citizens (ELR Order No. 00116) (NTIS Order No. EIS 73 0116-F)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973-5391. For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, 202—973-7373, Washington, D.C. 20545.

Draft, January 23

Prairie Island Nuclear Generating Plant, Minn. County: Goodhue. The action is the issuance of operating licenses to Northern States Power Co. for the 2 unit plant. Each unit will employ a pressurized reactor to produce 1,650 MWT and 560 MWE (gross). Cooling will be by towers, with water being drawn from the Mississippi at 85,000 g.p.m. (If extremely cold weather restricts use of the towers, the once-through mode will be used along with restriction of power level, if necessary, to meet the temperature limit for discharge.) The plantsite occupies 560 acres; another 973 are committed to right-of-way. Radioactive effluent release will include 2,000 curies of tritium (liquid), and 3,400 curies of gaseous wastes annually. (298 pages) (ELR Order No. 00121) (NTIS Order No. EIS 73 0121-D)

Final, January 26

Loss of Fluid Test Facility, Idaho. County: several. The statement refers to the use of LOFT (a pressurized water plant and related facilities), in order to study reactor system responses to, and consequences of, postulated reactor accidents such as gross failure of the cooling system integrity resulting in the loss of cooling fluid from the reactor. LOFT is designed to develop the knowledge and techniques required to minimize such accidents in large commercial power plants. No adverse environmental impact is anticipated. (124 pages) Comments made by: USDA, DOC, DOD, EPA, HEW, DOI, and DOT (ELR Order No. 00141) (NTIS Order No. EIS 73 0141-F)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693-7168.

Draft, January 24

Cleveland Harbor, Ohio. County: Cuyahoga. The statement refers to the proposed construction of a 2,880,000 cubic yard capacity diked disposal area. Aquatic life will be adversely affected. (40 pages) (ELR Order No. 00125) (NTIS Order No. EIS 73 0125-D)

Draft, January 17

Beech Creek Flood Control Channel, Oregon. County: Grant. The project proposed involves flood channel construction on Beech Creek, a tributary of the John Day River. The project, which would provide a flood contract channel through the city of Mount Vernon, would include reshaping of the natural streambed and construction of 3,500 feet of channel bordered by rock-lined levees. Adverse impacts of the action include displacement of the existing streambank vegetation and disruption to the community during construction. (16 pages) (ELR Order No. 00078) (NTIS Order No. EIS 73 0078-D)

Final, January 19

Hamlin Beach State Park, New York. County: Monroe. The proposed action involves construction of 7 stone groins and dumping of 250,000 cubic yards of sand along 4,250' of beach frontage on Lake Ontario. The purpose of the project is the maintenance of a beach capable of accommodating 11,600 persons at peak capacity. Temporary turbidity from dumping will disturb and/or destroy marine life, the park will be disfigured by the project's access roads. (58 pages) Comments made by: EPA, DOI, and USCG (ELR Order No. 00088) (NTIS Order No. EIS 73 0088-F)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343-3891.

BUREAU OF LAND MANAGEMENT

Draft, January 22

Outer Continental Shelf Lease Sale, Texas, Texas. The statement refers to the proposed sale of leases to 129 tracts (totalling 697,643 acres) of outer continental shelf (OCS) lands offshore Texas. The tracts will be explored for oil and natural gas reserves; the sale will take place in late spring, 1973. All tracts offered pose some degree of pollution risk to the marine environment and/or adjacent shoreline; each is subjected to a matrix analytical technique in order to evaluate significant environmental impacts should leasing and subsequent oil and gas exploration and production ensue. (595 pages) (ELR Order No. 00104) (NTIS Order No. EIS 73 0104-D)

BUREAU OF OUTDOOR RECREATION

Draft, January 24

Little Blue River, Mo. County: Jackson. The statement refers to the proposed acquisition by the Jackson County Park Department of 1,384 acres of land along a 25-mile segment of the Little Blue River, for public outdoor recreation purposes. The land will provide over 50 miles of trails and establish a Greenbelt area for the Kansas City Metropolitan area. (37 pages) (ELR Order No. 00132) (NTIS Order No. EIS 73 0132-D)

BUREAU OF RECLAMATION

Final, January 16

Lake Havasu Central Arizona Project, Ariz. The statement refers to the proposed construction of the Havasu intake channel and pumping plant, and the Buckskin Mountains Tunnel. The pumping plant will house six 500 c.f.s. pumps, which will pump water (for irrigation, municipal and industrial supply), from Lake Havasu through two 13 foot-diameter pipes 3,000 feet up the mountainside to the tunnel inlet portal. The facilities comprise part of the Central Arizona Project. (approximately 300 pages) Comments made by: USDA, HEW, HUD, COE, DOI, EPA, and DOT State and local agencies and concerned citizens (ELR Order No. 00066) (NTIS Order No. EIS 73 0066-F)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Ralph E. Cushman, Special Assistant, Office of Administration, NASA, Washington, D.C. 20546, 202—962-8107.

Final, January 24

George C. Marshall Space Flight Center (MSFC), Ala. and Miss. The statement refers to the ongoing operation of MSFC in Huntsville, Ala., and its Mississippi Test Facility (MTF) in Bay St. Louis,

Miss. MSFC is currently involved in the direction and management of the Saturn, Skylab, and Space Shuttle Programs, among other operations. No adverse impact is anticipated in the statement. (63 pages) Comments made by: EPA (ELR Order No. 00126) (NTIS Order No. EIS 73 0126–F)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401, 615—755–2002.

Final, September 22

Widows Creek, Ala. County: Jackson. The statement considers the installation of a full-scale research and demonstration wet-limestone SO2 scrubber on Unit 8 of the plant. The purpose is the development of technology for the removal of SO2. A disposal pond will also be constructed in order to accommodate waste slurry and ash. Adverse impact will include the relocation of Widows Creek embayment and the loss of aquatic life in 0.2 percent of Guntersville Reservoir. (120 pages) Comments made by: USDA, COE, DOC, EPA, FPC, HEW, HUD, DOI, and DOT (ELR Order No. 00101) (NTIS Order No. EIS 73 0101–F)

DEPARTMENT OF TRANSPORTATION

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

FEDERAL AVIATION ADMINISTRATION

Draft, January 22

Petersburg Airport, Alaska. The purpose of this project is to develop a 6,000' runway capable of handling large jet transport aircraft. The action consists of extending the existing runway (1,400' x 200'), widening the taxiway, and other related improvements. Ten acres of muskeg vegetations and some trees will be lost. (13 pages) (ELR Qrder No. 00092) (NTIS Order No. EIS 73 0092–D)

Draft, January 23

Wrangell Airport, Alaska. The statement refers to the proposed development of a runway and supporting facilities capable of handling large jet transport aircraft. The project will consist of a 200' x 700' runway extension at the northwest end and a 200' x 650' extension at the southeast end; improving runway grade and sight clearance; constructing a 90' x 400' gravel-surfaced taxiway exit and aircraft parking apron; constructing a small sewage disposal system; and removing and disposing of fallen timber on airport property, etc. Utilization of the project by larger aircraft (Boeing 727) will result in an increase in the ambient noise level. Seven acres of combined upland and tideland area will be committed to airport use. (14 pages) (ELR Order No. 00114) (NTIS Order No. EIS 73 0114–D)

Wichita Municipal Airport, Kans. County: Sedgwick. The statement refers to the proposed designation of a development plan for the airport that will accommodate anticipated air traffic volumes through 1990 and be compatible with the environment and other community development. The improvement program, scheduled for completion over a 20-year period, consists of new runway construction, acquisition of land, extensions to existing runways, construction of taxiways, and other airfield and terminal building developments. (Approximately 500 pages) (ELR Order No. 00119) (NTIS Order No. EIS 73 0119–D)

Draft, January 24

Bishop Airport, Mich. County: Genesee. The statement refers to the proposed construction and lighting of a 1,200' extension to the N/S runway. The project also contemplates strengthening, widening, lighting and marking Taxiway D; strengthening Taxiway B; strengthening easterly 5,000' E/W runway; extending, lighting and marking parallel Taxiway G; and constructing a full length parallel taxiway to N/S runway. Adverse impacts of the action include increased sound levels and encroachment upon wildlife habitat. (41 pages) (ELR Order No. 00130) (NTIS Order No. EIS 73 0130–D)

Draft, January 26

Columbus County Airport, N.C. County: Columbus. The proposed project is the construction and lighting of a 500' runway extension to the 3,200'×75' runway now under construction. The project will result in the development of a general aviation airport which will accommodate substantially all propeller aircraft of less than 12,500 pounds. There will be an increase in noise levels and adverse effects associated with construction activities. (16 pages) (ELR Order No. 00140) (NTIS Order No. EIS 73 0140–D)

Draft, January 23

Rusk County Airport, Wis. County: Rusk. The statement refers to the proposed acquisition of approximately 30 acres of land for airport development and clear zone. The project contemplates constructing, marking and lighting a 75'×700' southerly extension to the NW/SE runway; overlapping an existing runway (75'×2600'), apron (100'×250'); and relocating a town road. Tree clearance on 2.3 acres will reduce wildlife habitat. There will be an increase in noise and air pollution. (27 pages) (ELR Order No. 00105) (NTIS Order No. EIS 73 0105–D)

Final, January 23

Civil Aircraft Sonic Boom Regulation. The Federal Aviation Administration proposes to adopt a regulation entitled "Civil Aircraft Sonic Boom," which is designed to protect the surface of the United States from sonic boom generated by civil aircraft. This will be accomplished by limiting the speed of civil aircraft to Mach I. At or below this speed, there is no real possibility that a sonic boom will touch the surface of the earth. (64 pages) Comments made by: USDA, DOC, EPA, DOD, HEW, HUD, DOI, and DOT (ELR Order No. 00115) (NTIS Order No. EIS 73 0115–F)

Hallock Airport, Minn. County: Kittson. The statement refers to the proposed construction of a new airport, which would include a 75'×4000' NW/SE runway, aprons, and a taxiway, medium intensity lighting, and related works. Approximately 283 acres of farmland will be committed to the project. (32 pages) Comments made by: USDA, EPA, DOI, and DOT (ELR Order No. 00108) (NTIS Order No. EIS 73 0108–F)

Aransas County Airport, Tex. County: Aransas. The statement refers to the proposed extension of an existing runway from 4500'×150'; construction of taxiways and aprons; and installation of lighting. Approximately 15 acres are required from clear zone easements. The new facility will be able to accommodate large jet aircraft, with additional noise and air pollution resulting. (62 pages) Comments made by: USDA, COE, EPA, HEW, DOI, and DOT (ELR Order No. 00110) (NTIS Order No. EIS 73 0110–F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, January 4

Interstate 295, Fla. County: Duval. The proposed project is the completion of I–295 as a belt loop around Jacksonville, Fla. Length is 7.5 miles. Eight businesses, 24 families and an unspecified number of timber acreage will be displaced. Nine Mile Creek, Trout River, and Cedar Creek will be traversed by the project. A 1,000-foot inter tidal marsh would be adversely affected by the project. Other adverse effects will include the increase of air, water, and litter pollution, and the increase of sedimentation of the waterways traversed. (58 pages) (ELR Order No. 00018) (NTIS Order No. EIS 73 0018–D)

Final, January 22

Illinois FAP Route 50 (SR 143), Ill. County: Madison. The proposed project concerns the reconstruction of a portion of Illinois FAP Route 50. Length is 8 miles. Twelve businesses, 80 families and an unspecified number of acres will be acquired for right-of-way. There will be increases in air, water, and noise pollution. (98 pages) (ELR Order No. 00103) (NTIS Order No. EIS 73 0103–F)

Draft, January 22

Nebraska SR 66, Nebr. County: Saunders. The proposed project is the improvement of 10 miles of SR 66. An unspecified number of acres will be displaced. If Alternate No. 2 is implemented the project will cross Oak Creek causing alterations of the channels and a disruption of the surrounding ecology. Other adverse effects will include increased erosion, loss of wildlife and increased water pollution. (19 pages) (ELR Order No. 00094) (NTIS Order No. EIS 73 0094–D)

Charlotte Avenue Extension, Monroe, N.C. County: Union. The proposed project is the construction of a four-lane curb and gutter extension of Charlotte Avenue. Length is 0.3 mile. Sixteen families will be displaced and 2 acres will be acquired for right-of-way. Increases in noise and air pollution will occur. (25 pages) (ELR Order No. 00093) (NTIS Order No. EIS 73 0093–D)

South Dakota SH 50-Yankton Bypass, S. Dak. County: Yankton. The proposed project is the grading, structure, signing and surfacing for the bypass construction at the city of Yankton. Length of the project is unspecified. An extensive amount of agricultural land and timber will be acquired for right-of-way. (16 pages) (ELR Order No. 00095) (NTIS Order No. EIS 73 0095–D)

Final, January 11

Tudor-Muldoons Roads, Anchorage, Alaska. The proposed project is the widening of Tudor and Muldoon Roads a length of 7.2 miles. The project will displace one business and an unspecified number of families. The project will traverse the Muldoon-Chester and Fish Creeks causing a rise in water pollution levels. Increases in air and noise pollution levels will occur. (128 pages) Comments made by: EPA, DOI, State, and local agencies. (ELR Order No. 00056) (NTIS Order No. EIS 73 0056–F)

Final, January 17

Florida, U.S. 301, Fla. County: Hillsborough and Pasco. The proposed project is the improvement of 22.9 miles of U.S. 301. An unspecified number of families, businesses and acreage will be displaced. The project will traverse Hillsborough River, Blackwater Creek, Hollomans Branch, Two Hale Branch, and Flint Creek, causing a rise in erosion, sedimentation and

water pollution levels. (79 pages) Comments made by: USDA, COE, DOI, EPA, State, and regional agencies (ELR Order No. 00081) (NTIS Order No. EIS 73 0081–F)

Final, January 11

Illinois Route 26–FA Route 2, Ill. County: Stephenson. The proposed project is the improvement of existing Illinois Route 26, a length of 9.5 miles. Ten businesses and 10 families will be displaced; 125 acres of land will be acquired for right of way. There will be increases in erosion, noise and water pollution. (63 pages) Comments made by: USDA, DOC, EPA, DOI, DOT, State, and local agencies and (ELR Order No. 00055) (NTIS Order No. EIS73 0055–F)

Final, January 10

I–170 (Md.), Pulaski Street to Pine Street, Maryland. County: Baltimore. The proposed project is the design and construction of a six-lane depressed freeway for a total length of 15 city blocks, Route I–70 from Pulaski Street to Pine Street in Baltimore. The project will displace 1,650 dwelling units, 62 businesses and 40 acres of land. There will be increases in pollution levels and a disruption of neighborhoods. (Approximately 700 pages) Comments made by: USDA, COE, DOI, EPA, and State agencies (ELR Order No. 00040) (NTIS Order No. EIS 73 0040–F)

Final, January 11

Missouri Route 13, Mo. The proposed project is the construction of 2.8 miles of Route 13. The project will require the displacement of 17 residential units, 8 commercial establishments, and the acquisition of 34 acres of land. A section of the natural channel of Jordan Creek and Fasanight Creek will be altered. Other adverse effects will include an increase of air and noise pollution. (37 pages) Comments made by: USDA, DOI, State, and regional agencies (ELR Order No. 00049) (NTIS Order No. EIS 73 0049–F)

Hanna Secondary Road, Wyoming. County: Carbon. The project involves the construction of a separation structure over the Union Pacific Railroad tracks near the town of Hanna. The number of displacements will depend upon final project design. (22 pages) Comments made by: USDA, DOI, EPA, and HUD (ELR Order No. 00048) (NTIS Order No. EIS 73 0048–F)

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft, January 26

Long Island Rail Road, Manhattan, New York. The statement refers to a proposed extension of the Long Island Rail Road from Sunnyside Yards in Queens through 63d Street to Third Avenue near 42d Street in Manhattan. Approximately 3.5 miles of the line would be underground; 1.8 miles will be in structure common with NYCTA. Two businesses will be displaced; there will be construction disruption. (91 pages) (ELR Order No. 00143) (NTIS Order No. EIS 73 0143–D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73–2385 Filed 2–6–73;8:45 am]

FEDERAL MARITIME COMMISSION

NONVESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

Evaluation of Rates

Pursuant to the Shipping Act, 1916 (46 U.S.C. 801) and the Intercoastal Shipping Act, 1933 (46 U.S.C. 843), the Federal Maritime Commission is charged with the duty of insuring that certain common carriers by water in interstate commerce[1] establish and maintain just and reasonable rates. In an effort to establish a consistent standard by which the Commission may evaluate the reasonableness of rates published by nonvessel operating common carriers (NVOCC's), the Commission's staff is conducting a study into NVOCC operations. In connection with that study, certain information is needed from all NVOCC's currently operating in the domestic offshore trades.

Therefore, it is ordered, That pursuant to section 21 of the Shipping Act, 1916 (46 U.S.C. 820), each NVOCC listed in appendix A to this order and/or its officers furnish to the Secretary, Federal Maritime Commission, 1405 Eye Street, NW., Washington, DC 20573 on or before April 1, 1973, a completed copy of the questionnaire attached hereto as appendix B, certified to be correct by the carrier's financial officer.

It is further ordered, That failure by any carrier listed in appendix A to furnish the subject questionnaire by April 1, 1973, will result in the issuance of an order to show cause why that carrier's tariff(s) in the domestic offshore trade(s) should not be cancelled and will expose that carrier to a penalty of $100 per day for each day of default, as provided for in section 21 of the Act.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

1. Aero-Nautics Forwarders, Inc., 1167 Northwest 22d Street, Miami, FL 33129.
2. All Hawaii Cargo Consolidation, Inc., 15328 San Bruno Drive, La Mirada, CA 90638.
3. Allied Industrial Distribution, 711 First Street, Oakland, CA 94607.
4. All Pacific Freight, Inc., Post Office Box 5249, Salem, OR 97304.
5. Alverez Shipping Co., Inc., 3854 3d Avenue, Bronx, NY 10457.
6. American Pacific Forwarders, Post Office Box 20039, Long Beach, CA 90810.
7. Boulevard Moving and Storage Co., doing business as Julio Gil Atiles, 1494 Southern Boulevard, Bronx, NY 10460.
8. Brito Shipping Corp., 19 Tompkins Avenue, Brooklyn, NY 10006.
9. Cal-Hawaiian Freight, Inc., 695 North Batavia, Orange, CA 92667.
10. Capitol Transportation, Inc., Post Office Box 3008, San Juan, PR 00936.
11. Carib Shipping, Corp., 1134 Broadway, Brooklyn, NY 11221.
12. Coast Terminal Co., 2110 Alhambra Avenue, Los Angeles, CA 90054.
13. Columbus Express Shipping Co., Inc., 1158 Southern Boulevard, Bronx, NY 10459.
14. Consolidated Express, Inc., Post Office Box 2080, San Juan, PR 00936.
15. Continental Moving and Storage Corp., Post Office Box 427, Bayamon, PR 00619.
16. Distribution International Service Co., 201 North Federal Highway, Deerfield Beach, FL 33441.
17. Dolphin Forwarding, Inc., 11 Holly Street, Hingham, MA 02043.
18. Drake Motor Lines, Inc., Drake-Marine Division, 20 Olney Avenue, Cherry Hill, NJ 08034.
19. Dreisbach Cold Storage Co., Inc., C. R. Nickerson, Agent, 9 First Street, San Francisco, CA 94105.
20. Econocaribe Consolidators, Inc., 2929 Northwest 73rd Street, Miami, FL 33147.
21. Econoline, Inc., 3629 Northwest 60th Street, Miami, FL 33142.
22. El Faro Shipping Co., 110 Scholes Street, Brooklyn, NY 11206.
23. Eller and Company, Port Everglades Station, Fort Lauderdale, FL 33316.
24. El Sels de Mayo Express, Inc., 765 East 149th Street, Bronx, NY 10455.
25. El Sol De Mayo Express Furniture, 937 East Tremont Avenue, Bronx, NY 10460.
26. El Viejo San Juan Moving & Shipping, Inc., 862 Southern Boulevard, Bronx, NY 10459.
27. Expressway Consolidators, Inc., 1040 Biscayne Boulevard, Miami, FL.
28. Fast Mar Service, Inc., 4711 Dell Avenue, North Bergen, NJ 07047.
29. Felix Moving Co., 587 East 168 Street, Bronx, NY 10472.
30. Figueroa Deliveries & Moving, 1813 Southern Boulevard, Bronx, NY 10460.
31. Guam Freight Forwarders & Consolidators, 2425 Porter Street, Los Angeles, CA 90021.
32. Hawaii Container Service, 330 Cypress Street, Oakland, CA 94607.
33. Hawaii Freight Lines, Inc., Post Office Box 1601, Honolulu, HI 96806.
34. Hawaiian Cargo Expeditors, 1436 Goodrich Boulevard, Suite 29, Los Angeles, CA 90022.
35. Hawaiian Express Service, Inc., 9 First Street, San Francisco, CA 94105.
36. Hawaiian Freight Service, Inc., Bush Terminal Building 57, Brooklyn, NY 11231.
37. International Trailerline Corp., Mr. R. Ross Camardella, president, One World Trade Center, Suite 1029, New York, NY 10048.
38. D. L. Haynes, Inc., 4757 East Slauson Avenue, Maywood, CA 90270.
39. IML Seatransit, Ltd., Post Office Box 2277, Salt Lake City, UT 84110.
40. Kahanic Trucking Co., 13131 Lakeland Road, Santa Fe Springs, CA 90670.
41. Kay Transport Co., Inc., Box 9605, Baltimore, MD 21437.
42. La Flor De Mayo Express, Inc., 571 Jackson Avenue, Bronx, NY 10455.
43. La Isla Shipping Co., 399 Hooper Street, Brooklyn, NY 11211.
44. La Rosa Del Monte Express, Inc., 559 East 180th Street, Bronx, NY 10457.
45. Lifschultz Fast Freight, Inc., 28 North Franklin Street, Chicago, IL 60606.
46. Los Hermanitos Shipping Co., Inc., 43–45 Throop Avenue, Brooklyn, NY 11206.
47. Malabe Shipping Co., Inc., 47 Bergen Street, Brooklyn, NY 11201.
48. Maritime Trucking Co., Inc., Post Office Box 2770, San Juan, PR 00903.
49. Mid-Pacific Freight Forwarders, 711 Anaheim Street, Wilmington, CA 90744.
50. Modern Intermodal Traffic Corp., 1417 Clay Street, Oakland, CA 94612.
51. Monti Moving & Storage, Inc., 209 MacDougal Street, Brooklyn, NY 11233.
52. Nunez Express Co., Inc., 1376 Bronx River Avenue, Bronx, NY 10472.

[1] Interstate Commerce is defined in sec. 1 of the Shipping Act to include, *inter alia*, operations in the domestic offshore trades.

53. Ocean Truck Express Co., Inc., 989 Southeast 11th Place, Hialeah, FL 33010.
54. Pacific Consolidators, 1910 North Main Street, Los Angeles, CA. Attention: L. G. Fishell, T. M.
55. Pacific Hawaiian Terminals, Inc., 99 Mississippi Street, San Francisco, CA 94107.
56. Pacific Intermountain Express Co., Post Office Box 958, Oakland, CA 94604.
57. Pan American Express, 2612 W. Division Street, Chicago, IL 60622.
58. PDM, Inc., 419 Colyton Street, Los Angeles, CA 90054.
59. Ponce De Leon Shipping Co., Inc., 151 East 126th Street, New York, NY 10035.
60. Profit by Air, Inc., 6151 West Century Boulevard, Los Angeles, CA 90045.
61. Puerto Rican Freight Co., Inc., Post Office Box 146, International Airport Branch, Miami, FL 33148.
62. REA Express, Inc., 219 East 42d Street, New York, NY 10017.
63. Rico Shipping Co., 1997 Third Avenue, New York, NY 10029.
64. Rodriguez Trucking, Inc., 661 Park Avenue, Brooklyn, NY 11206.
65. San Juan Freight Forwarders, Inc., Post Office Box 2099, Carolina, PR 00630.
66. San Lorenzo Express Corp., 1548 West North Avenue, Chicago, IL 60622.
67. Sea Freight Express, Inc., 720 Tonnele Avenue, Jersey City, NJ 07307.
68. Sea-Progress, Inc., 144–29 156 Street, Jamaica, NY 11434.
69. Sea Trailers Express, Inc., Building 2142 MIAD, Miami, FL.
70. Set Forwarders, Inc., 330 Wythe Avenue, Brooklyn, NY 11211.
71. Shipcosmos Thrucontainers, Post Office Box 1205, Hato Rey, PR 00919.
72. Shippers-Encinal Express Inc., Post Office Box 5790, San Jose, CA 95150.
73. Siegmunds, Inc., Post Office Box 1205, Hato Rey, PR 00919.
74. Start International, Post Office Box 12264, Soulard Station, St. Louis, MO 63157.
75. Timline, 724 Northeast 2d Avenue, Miami, FL 33132.
76. Transconex, Inc., Post Office Box 37, Miami, FL 33148.
77. Transpac Container Freight, 1620 Ferro Street, Oakland, CA 94607.
78. Transway Corp., 2888 Valena Street, Honolulu, HI.
79. Twin Express Inc., Box 3722, San Juan, PR 00936.
80. United Shipping Agents, Inc., 4527 Loma Vista Avenue, Los Angeles, CA 90058.
81. United States Cold Storage of California, 1600 Donner Avenue, San Francisco, CA 94124.
82. Valencia Baxt Express, Inc., Post Office Box 3886, San Juan, PR 00904.
83. Windward Marine Inc., 575 Sakett Street, Brooklyn, NY 11217.
84. X-Presso Parcel Service, Inc., 796 Southern Boulevard, Bronx 55, NY
85. American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, CA 90744.
86. Asiatic Forwarders, Inc., 3009 Sixteenth Street, San Francisco, CA 94103.
87. Astron Forwarding Co., 75 Market Street, Post Office Box 161, Oakland, CA 94604.
88. Beverly Hills Transfer & Storage Co., 221 South Beverly Drive, Beverly Hills, CA 90212.
89. Cargo in Containers, Inc., 2800 West 38th Street, Chicago, IL 60632.
90. Cartwright International Van Lines, Inc., 11901 Cartwright Avenue, Grandview, MO 64030.
91. Chasqui Moving and Storage, Inc., 911 Longwood Avenue, Bronx, NY 10459.
92. Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, CA 90502.
93. Container Transport International, Inc., One North Broadway, White Plains, NY 10601.
94. Continental Forwarders, Inc., 105 Leonard Street, New York, NY 10013.
95. Convan Corp., 271 Madison Avenue, New York, NY 10016.
96. Davidson Forwarding Co., 3180 V Street NE., Washington, DC 20018.
97. Delcher Intercontinental Moving Service, 262 Riverside Avenue, Jacksonville, FL 32202.
98. De Witt Freight Forwarders, 6060 North Figueroa Street, Los Angeles, CA 90042.
99. Door to Door International, 308 Northeast 72d Street, Seattle, WA 98115.
100. Express Forwarding and Storage Co., Inc., 19 Rector Street, New York, NY 10006.
101. Four Winds Forwarding Inc., 7035 Convoy Court, Post Office Box 80771, San Diego, CA 92138.
102. Garrett Forwarding Co., 2055 Pole Line Road, Pocatello, ID 83201.
103. Getz Bros. and Co., Post Office Box 2230, Wilmington, CA 90744.
104. H. C. & D. Moving and Storage, Inc., Post Office Box 190, Honolulu, HI 96810.
105. Higa Fast Pac, Inc., Post Office Box 137, Honolulu, HI 96810.
106. Home Pack Transport, Inc., 57–48 49th Street, Maspeth, NY 11378.
107. Household Goods Carriers Bureau, Agent, 2000 P Street, NW., Suite 305, Washington, DC 20036.
Agent for:
108. Aero Mayflower Transit Co., Inc.
109. Air Van Lines, Inc.
110. Alaska Orient Van Service, Inc.
111. Alaska Transfer & Storage.
112. Alaska Transfer, Inc.
113. Alaska Van and Storage Co., Inc.
114. Allied Van Lines, Inc.
115. American Red Ball Transit Co., Inc.
116. Bekins International Lines, Inc.
117. Bekins Moving & Storage Co. (Los Angeles, CA)
118. Bekins Moving & Storage Co. (Seattle, WA)
119. Bekins Moving & Storage Co. of Hawaii, Inc.
120. Bekins Van Lines Co.
121. Burnham Van Service, Inc.
122. Burnham World Forwarders, Inc.
123. Crest Forwarder, Inc.
124. Denali Transportation, Inc.
125. Fernstrom Storage and Van Co.
126. Ford Moving Vans.
127. Furniture Forwarding, Inc.
128. Global Van Lines, Inc.
129. Global/International Forwarding, Inc.
130. Gray Moving & Storage, Inc.
131. Greyhound Van Lines, Inc.
132. H & S Warehouse, Inc.
133. Holman & Co., George B.
134. Husky Parcel Delivery, Inc.
135. Interconex, Inc.
136. Ireland Transfer & Storage Co.
137. Lyon Van Lines.
138. Lyon Van & Storage Co.
139. Martin Van Lines, Inc.
140. Mitchell Overseas Movers.
141. Neptune World-Wide Moving, Inc.
142. North American International, Inc.
143. North American Van Lines, Inc.
144. Orme Transfer, Inc.
145. Pacific Movers.
146. Peeters Transportation Co., Inc.
147. Salt Lake Transfer Co.
148. Smyth Caribbean Lines International Transport Associates, Inc.
149. Smyth Van & Storage Co. of California, Inc.
150. Smyth World Wide Movers, Inc.
151. Sourdough Express, Inc.
152. Sunvan and Storage Co., Inc.
153. Three Ivory Bros. Moving Co., The.
154. United Van Lines, Inc.
155. United Foreign Shipping Co.
156. Wheaton Van Lines, Inc.
157. World Storage & Transfer, Inc. Sig.
158. Imperial Household Shipping Co., Inc., Post Office Box 20124, St. Petersburg, FL 33742.
159. Imperial Van Lines, Inc., of California, 2805 Columbia Street, Torrance, CA 90503.
160. International Export Packers, Inc., 5360 Eisenhower Avenue, Alexandria, VA 22304.
161. International Sea Van, Inc., 1212 St. George Road, Evansville, IN.
162. Interstate Motor Freight System, 134 Grandville Avenue SW., Grand Rapids, MI 49502.
163. Jet Forwarding, Inc., 1415 West Torrance Boulevard, Torrance, CA 90501.
164. Karevan, Inc., Post Office Box 9240, Queen Anne Station, Seattle, WA 98109.
165. Liberty Pac International Corp., 43 West 64th Street, New York, NY 10023.
166. Major Van Lines, Inc., 601 Ocean Avenue, Jersey City, NJ 07305.
167. Merchants International, Inc., 1616 First Street, SW., Washington, DC 20024.
168. Movers' & Warehousemen's Association of America, Inc., agents for: Suite 1101 Warner Building, Washington, DC 20004.
169. Airline Vans, Inc.
170. Alaska Terminals, Inc.
171. Allstates Van Lines Corp.
172. Anchor Van Lines, Inc.
173. Andrews Van Lines, Inc.
174. Arpin Van Lines, Inc., Paul.
175. Atlas Van Lines, Inc.
176. Bader Bros. Van Lines, Inc.
177. Bentley's Inc.
178. Cartwright Van Lines, Inc.
179. Dean Van Lines, Inc.
180. Delcher Brothers' Storage Co.
181. Dewitt Transfer and Storage Co.
182. Empire Household Shipping Co. of New York, Inc.
183. Fogarty-Bros. Transfer, Inc.
184. Interstate Van Lines, Inc.
185. King Van Lines, Inc.
186. Major Van Lines, Inc.
187. National Van Lines, Inc.
188. Pyramid Van Lines, Inc.
189. Republic Van and Storage Co., Inc.
190. Richardson Transfer & Storage Co., Inc.
191. Security Van Lines, Inc.
192. Smyth Overseas Van Lines, Inc.
193. Smyth Van & Storage Co., of California.
194. Suddath Van Lines, Inc.
195. Trans-American Van Service, Inc.
196. Trans Country Van Lines, Inc.
197. U.S. Van Lines, Inc.
198. Von Der Ahe Van Lines, Inc.
199. Nevares Express Shipping, Inc., 560 Claremont Parkway, Bronx, NY 10457.
200. Northwest Consolidators, Inc., Post Office Box 3583, Terminal Annex, Seattle, WA 98124.
201. Pacific Van & Storage Co., Inc., 1415 West Torrance Boulevard, Torrance, CA 90501.
202. Perfect Pak Co., 12169 Ventura Boulevard, Studio City, CA 91604.
203. Sunpak Movers, Inc., 534 Westlake Avenue North, Seattle, WA 98109.
204. U.C. Household Shipping Co., 4601 Shattuck Avenue, Oakland, CA 94609.

205. Vanpac Carlers, Inc., 2114 MacDonald Avenue, Richmond, CA 94801.
206. Weeks Moving and Storage Corp., 55 Maple Avenue, Rockville Centre, NY 11570.

APPENDIX B

1. Name under which tariffs are filed as NVOCC _____.
2. Location(s) of assembly and distribution facilities.

_____

_____

_____

3. Period covered by fiscal year _____.
4. NVOCC Gross Revenues by Trade. A Trade is defined for purposes of this question as the carriage of cargo on an established domestic offshore route under the terms of a tariff or tariffs on file with and regulated by the Federal Maritime Commission. Domestic offshore routes are defined as (A) Between any one of the four following areas of the Continental United States and one noncontiguous area of the United States, or (B) Between two noncontiguous areas of the United States. Where service is offered to or from two or more areas at the same rates (e.g. Atlantic Coast to Puerto Rico and the Virgin Islands) and listed as such in a single tariff, the carriage of cargo to or from those two or more areas may be treated as one domestic offshore trade for the purposes of this question.

(A) The four areas of the continental United States are:

(1) North Atlantic (Maine to Hatteras);
(2) South Atlantic (Hatteras to Key West);
(3) Gulf (Key West to and including Brownsville);
(4) West Coast.

(B) The noncontiguous areas of the United States are:

(1) Alaska;	(5) Midway;
(2) American Samoa;	(6) Puerto Rico;
(3) Guam;	(7) U.S. Virgin Islands;
(4) Hawaii;	(8) Wake Island.

Trade	*Fiscal 1971*	*Fiscal 1972*

5. Percentage of NVOCC revenues derived from carriage of household goods (separately by trade, if applicable).

Trade	*Fiscal 1971*	*Fiscal 1972*

6. Total dollar amount paid to underlying water carriers in the domestic offshore trades.

Fiscal 1971: _____
Fiscal 1972: _____

7. Principal underlying water carriers used. (Distinguish by trade, if applicable.)

Trade	*Carrier*

8. Identify, by tariff description, the 10 commodities producing your highest NVOCC revenues in each domestic offshore trade.

Trade	*Fiscal 1971*	*Fiscal 1972*

9. Total Number of:

	Fiscal 1971	*Fiscal 1972*
NVOCC Officers	_____	_____
NVOCC Full Time Employees	_____	_____

10. Average daily number of part time employees, including gangs for consolidating and stripping. (NVOCC Operations only).

Fiscal 1971: _____
Fiscal 1972: _____

11. Total depreciated value of owned property and equipment dedicated to NVOCC operations as of the end of Fiscal 1972.

_____

12. Total depreciated value of property and equipment leased on long term basis as of the end of Fiscal 1972. (For the purpose of this question, a long-term lease is defined as one which runs for a period covering all or nearly all of the useful life of the leased asset.): _____

13. Names of companies related to you by common director(s), common officer(s), common controlling shareholder(s), or as parent or subsidiary, type of relationship, and type of business in which engaged.

Name	*Type of Relationship*	*Type of Business*

14. ICC, CAB, FMC, and local licenses and/or operating rights held by your company or any of the companies listed in 13 (above). List name of company, type of license or right, and area to which it applies (if applicable).

Name	*License or Right*	*Area*

[FR Doc.73-2290 Filed 2-6-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY ADVISORY COMMITTEES

Notice of Determination and Certification With Respect To Renewal

FEBRUARY 6, 1973.

The Chairman of the Federal Power Commission has determined that renewal of the terms of the National Gas Survey Executive Advisory Committee and the National Gas Survey Technical Advisory Committee—Supply, Technical Advisory Committee—Transmission and Technical Advisory Committee—Distribution, for the term from and after April 6, 1973, to a date not later than December 31, 1973, is necessary in the public interest in connection with the performance of duties imposed on the Commission by law.

This notice is published pursuant to Commission General Order No. 464, issued December 19, 1972, paragraph 4(e) and authorities therein referred to, 38 FR 1083, 1086. See also Office of Management and Budget Advisory Committee Management, Proposed Administrative Guidelines and Management Controls, 38 FR 2306, 2309.

The four advisory committees to be renewed were established by orders of the Federal Power Commission issued April 6, 1971: Order Establishing National Gas Survey Executive Advisory Committee and Designating Its Membership and Chairmanship, 36 FR 6922; and Order Establishing National Gas Survey Technical Advisory Committees and Designating Initial Membership, 36 FR 6922. Both orders refer to an earlier order of the Commission issued February 23, 1971, Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures, 36 FR 3851. Each of the foregoing orders have been amended by subsequent orders of the Commission: Order of April 25, 1972, 37 FR 8578, Amending National Gas Survey Orders Issued February 23, 1971 and April 6, 1971; Order of June 27, 1972, 37 FR 13306, Amending National Gas Survey Orders; and Order of December 19, 1972, 37 FR 28658, Amending National Gas Survey Orders.

The nature and purposes of the National Gas Survey advisory committees to be renewed are set forth in detail in the Commission's prior orders. As renewed, the subject committees would function as set forth in those orders for the additional period as set forth above—from and after April 6, 1973, to a date not later than December 31, 1973. The Commission contemplates that the work of all advisory committees participating in the National Gas Survey will be completed within the calendar year 1973. Hence, there will be no need or purpose of these committees beyond December 31, 1973. This extension of the Executive Advisory Committee and the three Technical Advisory Committees is needed for orderly conclusion of the Federal Power Commission's National Gas Survey. The Office of Management and Budget, Committee Management Secretariat, has ascertained that renewal of the subject committees as set forth above, is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770.

Renewal of these committees would be reflected in appropriate Commission orders to be issued after February 17, 1973.

JOHN N. NASSIKAS,
Chairman.

[FR Doc.73-2480 Filed 2-6-73;8:45 am]

[Docket No. E-7923, etc.]

CONNECTICUT LIGHT & POWER CO. ET AL.

Notice of Applications

JANUARY 31, 1973.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to 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 applications are on file with the Commission and available for public inspection.

APPLICATIONS FOR INTERCONNECTION RATE SCHEDULES AND AMENDMENTS THERETO

Dockets Nos.	Date filed	Name of applicant	Action
E-7830	8- 2-72	Florida Power & Light Co.	Company files 7 agreements pursuant to an order on remand issued as mandate by the Clerk of the U.S. Court of Appeals for the 5th Circuit, which had the effect of affirming the Commission's opinions and orders issued Mar. 20, 1967, and May 2, 1967, in FPC Docket No. E-7256. The agreements, which are to become effective Apr. 21, 1972, consist of the following: (1) Statement of operating arrangement between Florida Power & Light Co., and Florida Power Corp. for interconnection and interchange of power, made July 1964 with addendum January 1966; (2) Apr. 15, 1970, contract for interchange service between Florida Power & Light Co. and the city of Fort Pierce, Fla.; (3) Mar. 19, 1963, contract between Florida Power & Light Co. and city of Jacksonville, Fla., letter agreement dated June 9, 1971; (4) Mar. 6, 1972, territorial agreement and contract for interchange service between Florida Power & Light Co. and Lake Worth Utilities Authority, city of Lake Worth, Fla.; (5) Mar. 29, 1971, contract for interchange service between Florida Power & Light Co. and Orlando Utilities Commission; (6) Dec. 29, 1960, interchange agreement between Tampa Electric Co. and Florida Power & Light Co.; (7) Nov. 1, 1971, territorial agreement and contract for interchange service between Florida Power & Light Co. and the city of Vero Beach, Fla., letter of agreement dated Oct. 12, 1971.
E-7931	12-20-72	Duquesne Light Co.	Company files Dec. 1, 1972, amendment to modification No. 2 to the Sept. 6, 1962, facilities and operating agreement between Duquesne Light Co. and Ohio Power Co., designated Duquesne Light Co. Rate schedule FPC No. 8. Amendment permits either party to cancel modification No. 2 upon 1 year prior notice to the other party, to become effective Dec. 31, 1972.
E-7933	12-18-72	Commonwealth Edison Co.	Company files Sept. 20, 1972, appendix A to interconnection and interchange agreement, dated Nov. 1, 1964, between Commonwealth Edison Co. and Central Illinois Public Service Co., designated Commonwealth Edison Co. Rate schedule FPC No. 10. Appendix A provides for an additional point of interconnection at 345,000 v. between the systems of the 2 companies.
E-7947	1- 2-73	Delmarva Power & Light Co.	Company files Oct. 30, 1971, supplemental agreement and new schedules to the interconnection agreement, dated Nov. 29, 1967, between Delmarva Power & Light Co. and the Philadelphia Electric Co., designated Philadelphia Electric Co. Rate Schedule FPC No. 32 and Delmarva Power & Light Co. Rate Schedule FPC No. 36. The supplemental agreement includes a new 230 kv. line connecting the system of Philadelphia at Chichester substation to the Delmarva system at Keeney switching station via Claymont and Harmony, to become effective Oct. 20, 1971.

APPLICATIONS FOR PURCHASE AND SALE AGREEMENT RATE SCHEDULES AND AMENDMENTS THERETO

Dockets Nos.	Date filed	Name of applicant	Action
E-7923	12-18-72	Connecticut Light & Power Co.	Company files Oct. 1, 1972, purchase agreement between the Connecticut Light & Power Co., the Hartford Electric Light Co. and Western Massachusetts Electric Co. and Public Service Co. of New Hampshire, to become effective Nov. 1, 1972. Agreement provides for sales to Public Service Co. of New Hampshire of specified percentages of capacity and energy from 11 gas turbine generating units during the period from Nov. 1, 1972, to Apr. 30, 1973, together with related transmission service.
E-7932	12-20-72	Wisconsin Power & Light Co.	Company files wholesale power contract dated Dec. 13, 1972, between the city of Sheboygan Falls, Wis., and the Wisconsin Power & Light Co.
E-7946	12-26-72	Otter Tail Power Co.	Company files amendment No. 11 to the electric service agreement between Otter Tail Power Co. and Minnkota Power Cooperative, Inc., dated Sept. 29, 1972, and designated Otter Tail Power Co., Rate Schedule FPC No. 126. Amendment provides for an additional point of delivery to Minnkota, to become effective Jan. 26, 1973.
E-7954	8-17-72	Southwestern Electric Power Co.	Company files July 5, 1972, agreement covering the sale of surplus thermal energy by Southwestern Electric Power Co. to Southwestern Power Administration during the period from June 13, 1972, through Sept. 30, 1972, agreement is to take effect June 13, 1972.
E-7955	10-27-72	do.	Company files Sept. 27, 1972, agreement covering sale of surplus thermal energy by Southwestern Electric Power Co. to Southwestern Power Administration during the period from Oct. 1, 1972, through Dec. 31, 1972, to become effective Oct. 1, 1972.
E-7956	12-29-72	Oklahoma Gas & Electric Co.	Company files Dec. 1, 1972, purchase and sale agreement, providing for Oklahoma Gas & Electric Co. to sell 150,000 kw. of capacity and accompanying energy, to Public Service Co. of Oklahoma for a 12-month period beginning the 1st of the month after the Seminole No. 2 generating unit is placed in commercial operation (anticipated to be Feb. 1, 1973).
E-7966	1- 5-73	Idaho Power Co.	Company files Nov. 25, 1972, agreement between Idaho Power Co. and Utah Power & Light Co., covering the sale of peak power and energy to Utah at Utah Power & Light Co.'s Naughton plant near Kemmerer, Wyo., from Nov. 25, 1972, through Feb. 24, 1973. The agreement is to take effect Nov. 25, 1972.

APPLICATIONS FOR AGREEMENTS REGARDING SCHEDULING OF DIVERSITY CAPACITY AND ENERGY

Dockets Nos.	Date filed	Name of applicant	Action
E-7957	12-29-72	Oklahoma Gas & Electric Co.	Company files Oct. 26, 1972, memorandum of agreement regarding scheduling of diversity capacity and energy among the 11 participants of the South Central Electric Cos. (Arkansas Power & Light Co., Central Louisiana Electric Co., Inc., the Empire District Electric Co., Gulf States Utilities Co., Kansas Gas & Electric Co., Louisiana Power & Light Co., Mississippi Power & Light Co., New Orleans Public Service, Inc., Oklahoma Gas & Electric Co., Public Service Co. of Oklahoma, and Southwestern Electric Power Co.) Said memorandum supplements the Feb. 10, 1964, coordination agreement among the participants, and serves as authority to change the procedures during winter exchange periods concerning scheduling by the operations center of diversity capacity and energy.
E-7958	12-29-72	Middle South Services, Inc.	Company files, as agent for Mississippi Power & Light Co., Aug. 25, 1972, and Sept. 14, 1972, agreements between Mississippi Power & Light Co. and Tennessee Valley Authority providing for a change in diversity capacity schedule, and a change of rate in service schedule E. The change of scheduled payback is to become effective with the winter exchange periods beginning in November 1972 and 1973.
E-7959	12-29-72	....do.....	Company files Oct. 13, 1972, agreement between Southwestern Electric Power Co. and Middle South Services, Inc., acting as agent for Arkansas Power & Light Co., providing for a change in diversity capacity schedule, and a change of rate in service schedule E. The change of scheduled payback is to become effective with the winter exchange periods beginning in November 1972 and 1973.
E-7960	12-29-72	Oklahoma Gas & Electric Co.	Company files Oct. 4, 1972, agreement between Oklahoma Gas & Electric Co. and Arkansas Power & Light Co., providing for a change in diversity capacity schedule, and a change of rate in service schedule E. The change of scheduled payback is expected to become effective with the winter exchange periods beginning in November 1972 and 1973.
E-7961	12-29-72	Public Service Co. of Oklahoma.	Company files Oct. 10, 1972, agreement between Public Service Co. of Oklahoma and Southwestern Electric Power Co., providing for a change in diversity capacity schedule, and a change of rate in service schedule E. The change of scheduled payback is to become effective with the winter exchange periods beginning in November 1972 and 1973.
E-7962	12-29-72	Gulf States Utilities Co.	Company files Oct. 16, 1972, agreement among Gulf States Utilities Co., Central Louisiana Electric Co., Inc., and Louisiana Power & Light Co., providing for a change in diversity capacity schedule, and a change of rate in service schedule E. The change of scheduled payback is to become effective with the winter exchange periods beginning in November 1972 and 1973.

APPLICATIONS FOR TRANSMISSION AGREEMENT RATE SCHEDULES

Dockets Nos.	Date filed	Name of applicant	Action
E-7934	12-11-72	Connecticut Light & Power Co.	Company files Nov. 28, 1972, transmission agreement between the Connecticut Light & Power Co., the Hartford Electric Light Co. and Western Massachusetts Electric Co. and Consolidated Edison Co. of New York, Inc., to become effective Nov. 28, 1972. Transmission service under the agreement is to last from Nov. 28, 1972 to not later than Apr. 13, 1973.
E-7945	12-26-72	Otter Tail Power Co.	Company files Aug. 28, 1972, transmission line agreement between Otter Tail Power Co. and Tri-County Electric Cooperative, Inc., to become effective in March 1973, upon completion of the connection of the respective transmission lines of Otter Tail and Tri-County.

FILING OF NOTICE OF TERMINATION

Dockets Nos.	Date filed	Name of applicant	Action
E-7934	12-18-72	New England Power Co.	Company files notice of termination of the primary service for resale contract between New England Power Co. and the Fitchburg Gas & Electric Light Co., designated Rate Schedule FPC No. 208. Said termination is to take effect Dec. 9, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2237 Filed 2-6-73;8:45 am]

[Docket No. CI73-510]

BURMONT CO.

Notice of Application

FEBRUARY 1, 1973.

Take notice that on January 26, 1973, Burmont Co. (Applicant), 1121 Americana Building, Houston, Tex. 77002, filed in Docket No. CI73-510 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 Texas Eastern Transmission Corp. from the Ragsdale Field Area, Lavaca County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on January 19, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 3,000 Mcf of gas per day at 35 cents per Mcf at 14.65 p.s.i.a., subject to downward B.t.u. adjustment, plus additional gas which may be available and which the purchaser may be able to take.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 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.73-2322 Filed 2-6-73;8:45 am]

[Docket No. E-7883]

CENTRAL TELEPHONE & UTILITIES CORP.

Notice of Application

FEBRUARY 1, 1973.

Take notice that on August 16, 1972, Central Telephone & Utilities Corp. filed a

Wheeling Agreement dated June 19, 1972, between Central Kansas Electric Cooperative, Inc., Great Bend, Kans., and Central Telephone & Utilities Corp., pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2318 Filed 2-6-73;8:45 am]

[Docket No. RP71-106]

CITIES SERVICE GAS CO.

Proposed Tariff Change

FEBRUARY 1, 1973.

Take notice that Cities Service Gas Co. on January 2, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The proposed increased rate would increase revenues from jurisdictional sales by $2,089,098 based on the 12-month period ended November 22, 1972. Cities Service requests an effective date of February 23, 1973.

The company states that the temporary rate increase of 59 cents per Mcf on Fourth Revised Sheet PGA-1 is filed pursuant to section 3 of Article X of the Stipulation and Agreement approved by the Commission's order issued March 1, 1972, in Docket No. RP71-106, for the limited purpose of recovering the jurisdictional portion of a payment made to Western Natural Gas Co. The company further states that such increased rate is a temporary increase to be effective approximately 3 years and that it will be eliminated from the company's rates at such time as the company has fully recouped the jurisdictional portion of the payment to Western Natural Gas Co. together with related interest.

Copies of the company's filing were served on all jurisdictional customers, interested State commissions and all parties to the proceedings in Docket No. RP71-106.

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 16, 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.73-2319 Filed 2-6-73;8:45 am]

[Docket No. RP71-18, etc.]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Proposed Plan of Refunds

FEBRUARY 1, 1973.

Take notice that Columbia Gas Transmission Corp. (Columbia) (Docket No. RP72-37), on October 27, 1972, tendered for filing a plan of refunds to Columbia's jurisdictional customers in the amount of $1,273,639, as a result of refunds received from its suppliers, based upon sales volumes for the 12 month period ended July 31, 1972. The refunds received from suppliers relate to gas purchases during some 65 different periods of time, during the last 19 years, and involve some 30 of Columbia's and its predecessors' rate proceedings.

Columbia requests permission to deviate from refund flow-through procedures applicable in its and its predecessors' prior rate proceedings, and to be permitted to flow-through these aggregate refunds according to the proposed plan.

Copies of the refund plan have been mailed to each of Columbia's jurisdictional 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 16, 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. Columbia's proposed plan of refunds is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2316 Filed 2-6-73;8:45 am]

[Docket No. CI73-495]

CORBIN J. ROBERTSON, ET AL.

Notice of Application

FEBRUARY 1, 1973.

Take notice that on January 22, 1973, Corbin J. Robertson, et al. (Applicants), 500 Jefferson Building, Houston, Tex. 77002, filed in Docket No. CI73-495 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing sales for resale and delivery of natural gas in interstate commerce to Northern Michigan Exploration Co. (Northern Michigan) from the South Gibson Area and the Cherokee Area in Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants are holder of small producer certificates of public convenience and necessity and indicate that they were planning to initiate sales for resale of natural gas to Northern Michigan under that authorization. On December 12, 1972, in Docket No. 71-1560, et al., the U.S. Court of Appeals for the District of Columbia Circuit ordered that Commission Order No. 428, which promulgated small producer regulations, be set aside. In view of the present uncertain status of Applicants' small producer certificates, Applicants request the subject authorization under the optional gas pricing procedure.

Applicants propose under the optional gas pricing procedure to sell natural gas to Northern Michigan at an initial rate of 46.4 cents per Mcf, plus 3.3 cents per Mcf tax reimbursement and subject to upward and downward B.t.u. adjustment. The basic contracts for the subject sales dated October 23, 1972, provide for 1.5 cents per Mcf annual escalations commencing on October 23, 1973, for reimbursement to Applicants for seven-eighths of all State of Louisiana production, severance, gathering and similar excise taxes either existing or to be levied in the future, and for a term of 20 years.

Paragraphs (2) and (3) of article VIII of the contracts are indefinite pricing clauses. Applicants state that by an agreement dated October 23, 1972, which is filed in the proceeding, Northern Michigan Exploration Co., et al., Docket No. CI72-301, et al., Applicants have agreed to accept a certificate of public convenience and necessity containing conditions modifying one of the clauses and deleting the other clause. Applicants request a waiver of any further requirements to modify or delete such clauses except to the extent set forth in the October 23, 1972, agreement. Additionally Applicants request a waiver of § 2.75(b)(3) of the Commission's general policy and interpretations, which requires that the purchaser under an optional gas pricing application be a jurisdictional pipeline. Applicants further request the

Commission waive the following requirements contained in § 2.75:

1. The requirement to waive all rights to seek future rate increases under section 4 of the Natural Gas Act with respect to the contracts submitted, other than price escalations, if any, as certificated by the Commission insofar as this requirement may conflict with the pricing clauses in paragraphs (2) and (3) of the subject contracts;

2. The requirement to waive all rights to contingent adjustment of flowing gas rates as provided by the Commission in area rate decisions heretofore decided, for flowing gas which Applicants produce in the same geographical pricing area as the pricing area of the production covered by the application; and

3. The requirement that the reserves covered by this Application cannot be used to reduce refund obligations of Applicants in accordance with ordering paragraph (G) of Opinion No. 598.

Applicants also request that this application be consolidated with the proceeding pending in Docket No. CI72-301, et al.

Applicants assert that the price proposed herein was competitive with the intrastate price in the State of Louisiana at the time of the execution of the contracts, that the price proposed is considerable lower than those for alternative gas supplies, and that estimated of the costs of synthetic gas from coal, Alaskan gas, and Canadian gas imports are, likewise, higher than the price proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2315 Filed 2-6-73;8:45 am]

[Docket No. E-7976]

GULF STATES UTILITIES CO.

Proposed Changes in Rates and Charges

FEBRUARY 1, 1973.

Take notice that Gulf States Utilities Co. (GSU) tendered for filing on January 15, 1973, proposed changes in its Rate Schedule 423. The filing consists of an agreement for electric service with the Town of Rayne, La., increasing estimated annual revenues by $30,000.

GSU states that the present delivery voltage of 13,200 volts is temporary, and will be changed to 69,000 volts in 1973 when equipment is available. It also stated that GSU shall not be required to furnish, nor the Town of Rayne entitled to take, more than 1,000 kw. of electric power at any time. The agreement cites an effective date not later than May 15, 1972.

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 16, 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.73-2324 Filed 2-6-73;8:45 am]

[Docket No. CP73-191]

HIGH PLAINS NATURAL GAS CO. AND TRANSWESTERN PIPELINE CO.

Notice of Application

FEBRUARY 1, 1973.

Take notice that on January 22, 1973, High Plains Natural Gas Co. (High Plains), Post Office Box 777, Canadian, TX 79041, and Transwestern Pipeline Co. (Transwestern), Post Office Box 2521, Houston, TX 77001, filed in Docket No. CP73-191, a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the construction and operation of facilities therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

High Plains and Transwestern request certificate authorization with pregranted abandonment authorization to exchange natural gas from February 1, 1973, to April 1, 1973, and from December 1, 1973, to April 1, 1974 pursuant to an Emergency Exchange Agreement between the parties dated January 15, 1973. It is stated that pursuant to such agreement Transwestern will deliver to High Plains up to 1,000 Mcf of natural gas per day at a point on Transwestern's 4-inch pipeline near Spearman, Hansford County, Tex., and that within 30 days from the date of such delivery High Plains will redeliver, by displacement, a volume of gas equivalent to 105 percent of the B.t.u.'s received by High Plains. It is further stated that the redelivery of gas by High Plains to Transwestern will take place at Warren Petroleum Co.'s (Warren) Sitter Plant located near Magic City, Wheeler County, Tex., where Transwestern is currently purchasing gas from Warren.

Applicants state that approximately 4,000 feet of 2½-inch line will be constructed at the delivery point in order to effectuate the proposed exchange. It is also stated that such pipeline will cost approximately $6,000, to be financed by High Plains from cash on hand.

It is stated that the proposed exchange will alleviate the severe need for peaking gas by High Plains, in a manner that will not be detrimental to Transwestern's supply situation or its obligations to its customers.

Applicants state that the exchange agreement is conditioned upon certification by the Commission on or before March 1, 1973.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2326 Filed 2-6-73;8:45 am]

[Docket No. CI73-501]

THE LOUISIANA LAND AND EXPLORATION CO.

Notice of Application

FEBRUARY 1, 1973.

Take notice that on January 22, 1973, The Louisiana Land and Exploration Co. (Applicant), 225 Baronne Street, Post Office Box 60350, New Orleans, LA 70160, filed in Docket No. CI73-501 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. (Texas Eastern) from the Caillou Island and Lake Raccourci Fields, Lafourche and Terrebonne 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 under the optional pricing procedure to sell approximately 750,000 Mcf of natural gas per month to Texas Eastern pursuant to a December 27, 1972, contract between the parties. The proposed sale will be at an initial rate of 50 cents per Mcf at 15.025 p.s.i.a. subject to upward and downward B.t.u. adjustment. The subject contract provides for yearly price escalations of 2 cents per Mcf until the expiration of the contract on December 28, 1990, or such extended period as may be required to make up volumes of deferred gas. The subject contract also provides price adjustments allowing for the recovery of new or increased taxes and dehydration and compression costs. Applicant requests that it be permitted to abandon the proposed sale concurrently with the termination of the related contract.

Applicant asserts that the initial price proposed herein, with adjustments, is substantially lower than prices for base load sales of liquefied natural gas or synthetic gas for which applications are pending or have been approved by the Commission. Applicant also states that Texas Eastern is faced with an increasingly critical shortage of natural gas and the proposed sale will assist in meeting the firm demands for gas on Texas Eastern's system during the term of the contract.

It is stated that Applicant began a 60-day emergency sale to Texas Eastern on January 1, 1973, pursuant to § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29).

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2323 Filed 2-6-73;8:45 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Further Extension of Time

FEBRUARY 1, 1973.

On January 26, 1973, Natural Gas Pipeline Company of America filed a motion to suspend procedural dates (pending filing of proposed settlement) as established by the order issued June 30, 1972 (37 FR 13579), in the above-designated matter as amended by notices issued October 10, 1972, October 27, 1972 (37 FR 23378), November 28, 1972 (37 FR 25882), and January 4, 1973 (38 FR 1412). The motion states that staff has no objection to this motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervener evidence, March 1, 1973.
Service of company rebuttal, March 22, 1973.
Commencement of hearing, April 10, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2317 Filed 2-6-73;8:45 am]

[Docket No. CP73-195]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 1, 1973.

Take notice that on January 26, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-195 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the sale of natural gas in interstate commerce to Arkansas Louisiana Gas Co., from the North Lansing Field, Harrison County, Tex., at the rate of 19.1 cents per Mcf at 14.65 p.s.i.a. heretofore authorized in Docket No. G-3894 to be made pursuant to Atlantic Richfield Co. FPC Gas Rate Schedule No. 24, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that 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.73-2321 Filed 2-6-73;8:45 am]

[Docket No. CP73-196]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 1, 1973.

Take notice that on January 26, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-196 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the sale of natural gas in interstate commerce to Arkansas Louisiana Gas Co. and H. L. Hunt, et al., from the North Lansing Field, Harrison County, Tex., at the rate of 19.1 cents per Mcf at 14.65 p.s.i.a. heretofore authorized in Docket No. G-11229 to be made pursuant to Atlantic Richfield Co. FPC Gas Rate Schedule Nos. 384 and 387, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that 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.73-2320 Filed 2-6-73;8:45 am]

[Docket No. E-7855]

NEW ENGLAND POWER SERVICE CO.

Notice of Application

FEBRUARY 1, 1973.

Take notice that on December 1, 1972, New England Power Service Co. filed two contracts dated August 15, 1972, pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder. Said contracts provide for the purchase by Bangor Hydro-Electric Co. and Montaup Electric Co. of quantities of capacity and related energy from the fourth unit of the Salem Harbor Station of New England Power Service Co. Deliveries under the contracts are to be made at the step-up transformer at the fourth unit of the Salem Harbor Station, and New England Power Service Co. will transmit the power to its interconnection points with Public Service Company of New Hampshire under the Bangor contract and to its interconnection points with Montaup Electric Co. under the Montaup contract. New England Power Service Co. requests the contracts become effective September 1, 1972.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1973, file with the Federal Power Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to 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.73-2325 Filed 2-6-73;8:45 am]

[Docket No. E-7941]

PENNSYLVANIA ELECTRIC CO.

Proposed Changes in Rates and Charges

FEBRUARY 1, 1973.

Take notice that Pennsylvania Electric Co. (Penelec) on December 29, 1972, tendered for filing proposed revised schedules to the 115 kv., 138 kv., and 230 kv. Interconnection Facilities Agreement, dated June 20, 1968, among Penelec (Rate Schedule FPC No. 60), Metropoliton Edison Co. (Met-Ed) (Rate Schedule FPC No. 39), West Penn Power Co. (Rate Schedule FPC No. 26), The Potomac Edison Company of Pennsylvania (Rate Schedule FPC No. 13), and the Potomac Edison Co. (Rate Schedule FPC No. 31).

The tendered filing is described in Penelec's letter of transmittal as follows:

> The revised schedules reflect a change brought about in the Carroll-Lincoln Interconnection as defined in Schedules 2 and 5, both dated June 20, 1968, and presently filed with the Commission. This change reflects Met-Ed's tapping of its section of the Carroll-Lincoln 138 kv. line for its Germantown substation and the relocation of the 138/115 kv. auto transformer to Germantown, at a point 7.6 miles from Lincoln substation. This interconnection is redesignated the Carroll-Germantown Interconnection.
>
> In addition, the revised schedules reflect Penelec's and West Penn's installation of additional facilities at the Shingletown substation as defined formerly in Schedule 1, Revision 2, page 4 of 4, and Schedule 3, Revision 2, page 3 of 3, both dated June 12, 1969 and presently filed with the Commission. This change reflects Penelec's extension of its 230 kv structure to enable West Penn to install a second 125 MVA, 230-46 kv three phase transformer.
>
> With respect to the Carroll-Germantown Interconnection, it is requested, in accordance with Part 35.11 of the Commission's regulations under the Federal Power Act, that the Commission waive the 30 day notice requirement and permit the revisions in Schedules 2 and 5 to become effective October 11, 1972, the date that the facilities were ready for service.
>
> With respect to West Penn's installation of additional facilities at the Shingletown substation and the charges associated with the investment, it is requested that Schedules 1, 3 and 7 become effective February 1, 1973. In addition, West Penn's payments to Penelec will increase by $246 per month for Penelec's additional investment at Shingletown.

Copies of the filing were served on the parties to the Interconnection Agreement.

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.73-2314 Filed 2-6-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA FINANCIAL GROUP, INC.

Acquisition of Bank

The Alaama Financial Group, Inc., Birmingham, Ala., 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 80 percent or more of the voting shares of the successor by merger to First National Bank of Anniston, Anniston, Ala. 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 Atlanta. 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 30, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-2304 Filed 2-6-73;8:45 am]

GRANDCO BANCORPORATION

Acquisition of Bank

Grandco Bancorporation, Granby, Colo., 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 49.6 percent or more of the voting shares of the Bank of Winter Park, Hideaway Park, Colo. 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)).

Grandco Bancorporation is also engaged in the following nonbank activities: Acting as insurance agent in a community of less than 5,000 people. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the 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.73-2305 Filed 2-6-73;8:45 am]

POSTAL RATE COMMISSION

[Docket No. MC73-1]

REQUESTS FOR LIMITED PARTICIPATION

Notice Establishing Time for Filing

FEBRUARY 6, 1973.

On January 30, 1973, the Commission noticed this proceeding and provided that petitions for leave to intervene should be filed by February 26 (38 FR 2800). Thereafter, on February 5, the Commission adopted new rules providing a means for persons to participate in Commission proceedings without becoming full parties. These rules are published elsewhere in this issue of the FEDERAL REGISTER.

In the case of persons who wish to appear in Commission proceedings on a limited basis, the new rules can ease the expense of participation. Such "limited participators" may present evidence, cross-examine, and file briefs before the administrative law judge. They will not, however, be required to answer interrogatories, to produce documents, or otherwise be subject to discovery procedures.

The effects of the new "limited participator" rules are spelled out in the Preamble to those rules.

If any person desires to be heard in this proceeding as a "limited participator," that person should file a request to do so with the Secretary, Postal Rate Commission, Washington, D.C. 20268, on or before February 26, 1973. Any person who has filed or has taken steps to file a petition to intervene may signify by a letter that he wishes to be granted limited participation under the new rules, rather than full intervention. Such letters should be filed promptly with the Secretary.

By the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.73-2516 Filed 2-6-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 81-125]

CENTRAL ENERGY CORP.

Notice of Application and Opportunity for Hearing

JANUARY 31, 1973.

Notice is hereby given that Central Energy Corp. (the Company) has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the Act), for an order exempting the Company from the registration provisions of section 13 of the Act.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record initially by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting, and proxy solicitation sections of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application of the Company states in part:

The Company, a Texas corporation, and a subsidiary of the Sam P. Wallace Co., Inc., is engaged in a plan of complete liquidation following the authorization of such plan by its shareholders on October 30, 1972. Pursuant to such authorization the Company and its subsidiaries sold substantially all of their assets to Lone Star Energy Co. The Company now has no business or operations and is currently in the process of completing its liquidation.

There is no public market for the Company's common stock and there has not been such a market for more than a year. The Company's stock transfer books have been permanently closed in contemplation of completion of the liquidation.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C.

Notice is further given that any interested person not later than February 25, 1973, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-2302 Filed 2-6-73;8:45 am]

[File No. 1-4848]

GUARDIAN PACKAGING CORP.

Notice of Application To Withdraw from Listing and Registration

FEBRUARY 1, 1973.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Pacific Coast Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Management of issuer believes (1) that a broader market for its common stock will develop if the common stock is traded in the over-the-counter market rather than on the Pacific Coast Stock Exchange (PCSE); (2) that the fact that commissions must be paid to a PCSE member firm which executes orders in shares of issuer's stock on the Exchange discourages trading in shares of issuer's stock by other than PCSE members.

Any interested person may, on or before February 20, 1973, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

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

[FR Doc.73-2300 Filed 2-6-73;8:45 am]

[811-2135]

PENSION INVESTMENT FUND, INC.

Notice of Filing of Application for an Order Declaring Company Has Ceased To Be an Investment Company

Notice is hereby given that Pension Investment Fund, Inc. (Applicant), 1845 Walnut Street, Philadelphia, PA 19103, a Maryland corporation registered as a diversified, open-end management company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant registered under the Act on October 22, 1970, by filing a Form N-8A Notification of Registration. On that same date, Applicant filed a Form N-8B-1 Registration Statement under the Act together with a Form S-5 Registration Statement under the Securities Act of 1933 (1933 Act), which 1933 Act Registration Statement became effective on February 25, 1972. As of the effective date, the only investors in the Fund were the 11 tax-exempt organizations who provided the initial capital of $100,000. Since February 25, 1972, only 2,877.201 shares of Applicant's common stock were sold to five tax-exempt organizations pursuant to the 1933 Act Registration Statement.

The application states, among other things, that between June 30, 1972, and December 7, 1972, all of the investors (both the 11 organizations providing the initial capital and the five organizations from the public) redeemed all of their shares of Applicant's stock; that Applicant is no longer engaged in selling its shares to the public or elsewhere; that as of December 13, 1972, Applicant has distributed all of its assets and is now in the process of dissolution under the laws of the State of Maryland; and that Applicant has ceased to engage in any way in the business of investing, reinvesting, or trading in securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management Regulation, pursuant to delegated authority.

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

[FR Doc.73-2301 Filed 2-6-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Region IV; Amdt. 2]

CHIEF, REGIONAL FINANCING DIVISION, ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30—IV (37 FR 17603), as amended (38 FR 1159), is hereby further amended by revising Parts II and VIII in their entirety. This amendment more clearly defines certain authorities, eliminates reference to class B disasters; and includes authority to contract for local credit bureau services and loss verification services.

PART II—DISASTER PROGRAM

SECTION A. *Disaster Loan Authority.*

1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $50,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

(a) Chief and Assistant Chief, Regional Financing Division.
(b) District Director.
(c) Chief, District Financing Division.
(d) Branch Manager, Gulfport, Miss., Branch Office.
(e) Disaster Branch Manager, as assigned.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000: None.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

(a) Chief and Assistant Chief, Regional Financing Division... $500,000
(b) Supervisory Loan Officer, Regional Financing Division... $500,000

(c) District Director..... 500,000
(d) Chief, District Financing Division 350,000

4. To appoint as a processing representative any bank in the disaster area: None.

SEC. B. *Administrative Authority.* 1. Establishment of Disaster Field Offices. (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (b) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space.

(a) Chief and Assistant Chief, Regional Financing Division.

(b) District Director.

2. *Purchase and Contract Authority.* a. To contract for local credit bureau services and loss verification services pursuant to chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Chief, Regional Administrative Division.
(2) Chief and Assistant Chief, Regional Financing Division.
(3) District Director.
(4) Disaster Branch Manager, as assigned.
(5) District Administrative Officer.

b. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Chief, Regional Administrative Division.
(2) Regional Office Services Manager or Office Services Assistant.
(3) District Director.
(4) District Administrative Officer.
(5) District, Office Services Manager or Office Services Assistant.
(6) Branch Manager, Gulfport, Miss., Branch Office.

PART VIII—ADMINISTRATIVE

SECTION A.—*Authority to Purchase, or Contract for Equipment, Services, and Supplies.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases:

(a) Chief, Regional Administrative Division.
(b) District Director.
(c) District Administrative Officer.
(d) Branch Manager, Gulfport, Miss., Branch Office.

2. *To purchase office supplies and equipment,* including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(a) Chief, Regional Administrative Division.
(b) Regional Office Services Manager or Office Services Assistant.
(c) District Director.
(d) District Administrative Officer.
(e) District, Office Services Manager or Office Services Assistant.
(f) Branch Manager, Gulfport, Miss., Branch Office.

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration.

(1) Chief, Regional Administrative Division.
(2) Regional Office Services Manager or Office Services Assistant.
(3) District Director.
(4) District Administrative Officer.
(5) District, Office Services Manager or Office Services Assistant.
(6) Branch Manager, Gulfport, Miss., Branch Office.

Effective date: July 1, 1972.

WILEY S. MESSICK,
Regional Director, Region IV.

[FR Doc.73-2356 Filed 2-6-73;8:45 am]

TARIFF COMMISSION

[337-32]

CYLINDER BORING MACHINES AND BORING BARS AND COMPONENTS THEREOF

Notice of Investigation and Scope of Investigation

Correction

In FR Doc. 73-1373, appearing on page 2360, in the issue of January 24, 1973, in the eighth line of the second paragraph, change the word "compounds" to read "components".

[TEA-F-49]

CONSOLIDATED NATIONAL SHOE CORP.

Petition for a Determination; Notice of Investigation and Hearing

On the basis of a pettition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Consolidated National Shoe Corporation, Norwood, Mass., the U.S. Tariff Commission, on February 1, 1973, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly conmpetitive with footwear for women (of the types provided for in items 700.20, 700.43, 700.45, and 700.55 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t. on Tuesday, February 27, 1973, in the Hearing Room, U.S. Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C., not later than noon, Thursday, February 22, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: February 1 ,1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-2336 Filed 2-6-73;8:45 am]

[337-31]

ELECTRONIC PIANOS

Notice of Resumption of Hearing

Notice is hereby given that on March 29, 1973, the U.S. Tariff Commission will resume its public hearing in connection with Investigation No. 337-31, regarding alleged unfair methods of competition and unfair acts in the importation and sale of electronic pianos embraced within the claims of U.S. Patent Nos. 3,083,363; 2,942,512; 2,949,053; and 3,154,997, owned by the complainant, Wurlitzer, Co., Chicago, Ill.

The complaint alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Notice of institution of the investigation was published in the FEDERAL REGISTER of September 28, 1972 (37 FR 20289). A public hearing was held on January 30 and 31, 1973 (notice of which was published in the FEDERAL REGISTER of December 5, 1972 (37 FR 25891)) and a recess was ordered.

The hearing will be resumed on March 29, 1973, at 10 a.m., e.s.t., in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission no later than March 23, 1973. Parties wishing to submit documentary evidence for the record, but not desiring to make an appearance, should send such evidence to the Secretary in time for inclusion in the record when the hearing resumes.

Issued: February 1, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-2337 Filed 2-6-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-8]

BURLINGTON INDUSTRIES, INC.

Notice of Application for Variance and Interim Order

I. Notice of application. Notice is hereby given that Burlington Industries, Inc., 3330 West Friendly Avenue, Greensboro, NC 27420, has made application pursuant to section 6(b)(6)(A) or section 6(b)(6)(C) of Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594, 1595) and 29 CFR 1905.10 for a temporary or experimental variance, and interim order pending a decision on the application for a variance, from the standard in 29 CFR 1910.93 (Table G-1), which limits exposure to raw cotton dust to 1 milligram of dust per cubic meter of air.

The addresses of the places of employment covered by the application are as follows:

Asheville Plant, Post Office Box 8273, Asheville, NC 28804.
Brighton Plant, Shannon, Ga. 30172.
Caroleen Plant, Post Office Box 158, Caroleen, NC 29019.
Clinchfield North Plant, Post Office Box 1109, Marion, NC 28752.
Denton Plant, Post Office Box 638, Denton, NC 27239.
Durham Plant, Post Office Box 2477, Durham, NC 27705.
Flint Plant, Post Office Box 287, Cramerton, NC 28032.
Ivey Weavers Plant, Post Office Box 728, Hickory, NC 28601.
R. C. G. Love Plant, Post Office Box 287, Cramerton, NC 28032.
Mays Plant, Post Office Box 287, Cramerton, NC 29032.
Mount Holly Plant, Post Office Box 287, Cramerton, NC 28032.
P. W. Poe Plant, Post Office Box 487, Greenville, SC 29602.
Ramseur Plant, Ramseur, N.C. 27316.
Smithfield Plant, Post Office Box 120, Smithfield, NC 27577.
Stonewall Plant, Post Office Box 8, Stonewall, MS 39363.
Batesburg Plant, East Railroad Avenue, Post Office Box 111, Batesburg, SC 29006.
Calhoun Falls Plant, Calhoun Falls, S.C. 29628.
Cherokee Falls Plant, Cherokee Falls, S.C. 29705.
Clinchfield South Plant, Post Office Box 1109, Marion, NC 28752.
Drakes Plant, Post Office Box 215, Drakes Branch, VA 12937.
Erwin Plant, Post Office Box 7, Erwin, NC 28339.
Henrietta Plant, Post Office Box 338, Henrietta, NC 28076.
Lincolnton Plant, Post Office Box 577, Lincolnton, NC 28092.
Martel Plant, Post Office Box 531, Spartanburg, SC 29301.
Mooresville Mills Plant, Post Office Box 540, 476 South Main Street, Mooresville, NC 28115.
Phenix Plant, Post Office Box 672, Kings Mountain, NC 28068.
Postex Plant, Post Office Box 610, Post, TX 79356.
Sherman Plant, Post Office Box 700; Sherman, TX 75091.
Steele Plant, Cordova, N.C. 28330.
Tarboro Plant, Post Office Drawer 400, Tarboro, NC 27886.

The applicant certifies that the employees in the plants who would be affected by the variance have been notified of the application by the posting of a notice on bulletin boards and by supervisors' verbal announcements. The applicant further states that copies of the application for a temporary or experimental variance have been provided to the respective business agents of the representative unions as follows: Mr. Lloyd Byrd, Textile Worker's Union of America, Local No. 250, Erwin Plant, Erwin, N.C. 28339, and Mrs. Mae Temple, United Textile Worker's, Local No. 257, Durham Plant, Durham, N.C. 27705. Employees have been informed of their right to petition for a hearing by means of the bulletin board notice.

Regarding the merits of the application, the applicant states that it operates more than 130 plants manufacturing textile and furniture products, of which 30 plants use cotton as a raw material.

The applicant states that it has been engaged in medical and engineering research work for more than 3 years to determine the prevalence of byssinosis and respiratory problems among textile workers. The applicant further states that a development of the research is the discovery that washing or steaming cotton will inactivate the agent in the vegetable dust that causes in some persons a pulmonary reaction.

However, the establishment of a proper steaming program in all plants using raw cotton is said to be costly and time-consuming. Therefore, the applicant has proposed to establish experimental steamers in selected cotton gins to remove the irritant before it reaches the manufacturing plants. While the research and experimental projects are being carried out, employee medical screening and surveillance programs have been instituted.

The applicant also states that in addition to its research efforts, it has been providing engineering controls in all its plants using raw cotton dust. However, despite these efforts, the applicant asserts that presently there are no known feasible means of complying with the raw cotton dust standard in all areas.

In conclusion, the applicant is convinced that effective steaming of raw cotton, in conjunction with appropriate employee screening and medical surveillance, will greatly minimize and possibly eliminate, the presence of the cotton dust hazard in its plants. The applicant requests a temporary or experimental variance from the cotton dust standard in order to pursue its experimental projects.

For further information, interested persons are referred to copies of the application which will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 500, 400 First Street NW., Washington, DC 20210, and at the Occupational Safety and Health Administration, U.S. Department of Labor, 1361 East Morehead Street, Charlotte, NC 28204; Occupational Safety and Health Administration, U.S. Department of Labor, Seventh Floor, Texaco Building, 1512 Commerce Street, Dallas, TX 75201; Occupational Safety and Health Administration, U.S. Department of Labor, 1375 Peachtree Street NE., Suite 587, Atlanta, GA 30309; Occupational Safety and Health Administration, U.S. Department of Labor, Penn Square Building, Room 623, 1317 Filbert Street, Philadelphia, PA 19107; Occupational Safety and Health Administration, U.S. Department of Labor, Room 8018, Federal Building, Post Office Box 10186, Richmond, VA 23240; Occupational Safety and Health Administration, Room 421, Federal Building, 1205 Texas Avenue, Lubbock, TX 79401; Occupational Safety and Health Administration, U.S. Department of Labor, Room 6B1, Federal Building, 1100 Commerce Street, Dallas, TX 75202.

All interested persons, including employers and employees who believe they will be affected by the grant or denial of the application for a temporary or experimental variance, are invited to submit written data, views and arguments regarding the application prior to March 9, 1973. In addition, employers and employees, who believe they would be directly affected by the grant or denial of the request for temporary or experimental variance may request a hearing on the application within the same period ending March 9, 1973. The request for a hearing must include the following: (1) A concise statement of facts showing how and to what extent the employer or employee would be affected by the temporary or experimental variance applied for; (2) a specification of any statement or representation in the application which is denied and a concise summary of the evidence that would be adduced in support of each denial; and (3) any views or arguments on any issue of fact or law presented. Submission of written comments and request for a hearing should be in quadruplicate and shall be addressed to the Office of Standards, Railway Labor Building, Room 500, 400 First Street NW., Washington, DC 20210.

II. *Denial of interim order.* Burlington Industries, Inc., has also requested an interim order to be effective until a decision is made on its application for a variance.

Paragraph (e) of § 1910.93 requires that compliance with the raw cotton dust standard must be made by means of administrative or engineering controls, supplemented, when necessary for full compliance, by protective equipment and other protective measures. In view of the several means of compliance permitted by the standard, it does not appear probable that the applicant will establish that it is unable to comply with the standard. Nor does it appear probable at this time that the experimental project of the ap-

plicant will be approvable under section 6(b)(6)(C) of the Act and that an interim variance from the standard is necessary to the prosecution of the project. Finally, it does not appear that the applicant will suffer undue hardships by complying with the standard until a final disposition of its application.

For these reasons, the applicant's request for an interim order is hereby denied, without prejudice to its application for a temporary or experimental variance.

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

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-2390 Filed 2-6-73;8:45 am]

GEORGIA DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Georgia has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan provides that the Georgia Occupational Safety and Health Administration be created to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). All safety and health standards and amendments thereto which have been adopted by the Secretary of Labor except those found in 29 CFR Parts 1915, 1916, 1917 and 1918 (shiprepairing, shipbuilding, shipbreaking and longshoring) are to be adopted by the State.

Included in the plan is proposed draft legislation to be considered by the Georgia Legislature during its 1973 session. Under the proposed legislation the Occupational Safety and Health Administration is to have full authority to enforce and to administer laws respecting employee safety and health. Further, the draft legislation provides for the coverage of all employees within the State including employees of the State and its political subdivisions.

The legislation is intended to bring the plan into conformity with the requirements of 29 CFR Part 1902 in areas such as procedures for variances and protection of employees from hazards; procedures for the development and promulgation of standards, including standards for protection of employees against new and unforeseen hazards; and procedures for prompt restraint or elimination of imminent danger situations.

The legislation also proposes to insure inspections in response to complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets; provision for prompt notice to employers and employees of alleged violations of standards and abatement requirements; a system of sanctions against employers for violations of standards; and employer right of review and employee participation in review proceedings.

Contained within the plan is a four-phase program providing for full implementation of the plan within a period of 2 years and 3 months following passage of the draft legislation. There is also a description of the resources to be devoted to the plan as well as the State's proposed merit system of personnel. Appearing in the plan is a statement of the Governor's support and approval of it and of the draft legislation.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Department of Labor, 1375 Peachtree Street NE., Suite 587, Atlanta, GA 30309; and the Office of Occupational Safety and Health, Georgia State Board of Workmen's Compensation, 1182 West Peachtree Street, Suite 315, Atlanta, GA 30309. Copies of the plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given until March 9, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Occupational Safety and Health Administration, Railway Labor Building, Room 305, U.S. Department of Labor, Washington, D.C. 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by March 9, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 2d day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-2391 Filed 2-6-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 174]

ASSIGNMENT OF HEARINGS

FEBRUARY 2, 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 668 Sub-No. 95, Inter City Transportation Co., Inc., Donald A. Robinson, trustee, now being assigned hearing March 12, 1973, at Newark, N.J., in a hearing room to be later designated.

MC-C-7935, Samuel D. Summers, doing business as S. D. Summers Lumber Co. and the Valley Camp Coal Co.—Investigation of Operations, now being assigned March 20, 1973 (2 days), at Charleston, W. Va., in a hearing room to be later designated.

MC 42011 Sub-No. 10, D. Q. Wise & Co., Inc., now assigned February 5, 1973, at Kansas City, Mo., is postponed indefinitely.

MC 96007 Sub-No. 27, Kenneth Hudson, Inc., Extension—New Hampshire, now being assigned hearing March 20, 1973 (2 days), at Concord, N.H., in a hearing room to be later designated.

MC 134922 Sub 21, B. J. McAdams, Inc., now being assigned hearing March 19, 1973 (2 days), at Chicago, Ill., in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 51146 Sub 268, Schneider Transport, Inc, now being assigned continued hearing March 26, 1973 (1 week), in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-C-7757, Inter-County Motor Coach, Inc., V. Schenck Tours, Inc., et al., MC 12731 Subs 1 and 2, Teens N Tours, Inc., now being assigned March 19, 1973 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-F-11530, John R. Remis, Bernard Sacharoff, John Roncoront, Louis Geik, Henry Bono, Nicholas Accardi, New Deal Delivery Service, Inc., Eastern Transportation Co., Inc. and Airfreight Transportation Corp. of New Jersey—Investigation of Control, MC-FC-71876, Resil Trucking Corp., Transferee and Eastern Transportation Co., Inc., Transferor, now being assigned March 21, 1973 (3 days), at New York, N.Y., in a hearing room to be later designated.

AB 65, St. Johnsbury & Lamoille County Railroad, entire line abandonment between St. Johnsbury and Swanton, Caledonia, Washington, Lamoille, and Franklin Counties, Vt., now being assigned March 26, 1973 (1 week), at New York, N.Y., in a hearing room to be later designated.

MC 113678 Sub 464, Curtis, Inc., continued to February 6, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

AB-52, New Mexico Central Railway Co. and the Atchison, Topeka and Santa Fe Railway Co., abandonment between Willard and Calvert, Torrance County, N. Mex., now assigned February 28, 1973, at Estancia, N. Mex., will be held in the courtroom of the County Courthouse, Main Street.

MC 100666 Sub 219, Melton Truck Lines, Inc., now assigned March 5, 1973, at Albuquerque, N. Mex., will be held in Room 1410, Federal Building, 1517 Gold South West.

MC 136602 Sub 2, Arizona Western Transport, Inc., now assigned February 21, 1973, will be held in Room 1016, Federal Building, 230 North First Avenue, Phoenix, AZ.

MC-F-11445, Ashworth Transfer, Inc.—Purchase—Westates Transportation Co., MC 1872 Sub 78, Ashworth Transfer, Inc., now assigned February 26, 1973, will be held in Room 6006, Federal Building, 230 North First Avenue, Phoenix, AZ, March 1, 1973, will be held in Room 8544, Federal Building, 300 North Los Angeles Street, Los Angeles, CA, March 5, 1973, will be held in Room 13025, 13th Floor, 450 Golden Gate Avenue, San Francisco, CA.

MC-C-7933, Bekins Van Lines Co.—Investigation and Revocation of Certificates, now assigned February 20, 1973, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, February 26, 1973, at St. Paul, Minn., will be held in Judge Larson's Courtroom No. 4, Federal Building and U.S. Courthouse, 316 North Robert Street, February 28, 1973, at Denver, Colo., will be held in Room 1430, first floor, Federal Building, 1961 Stout Street, March 5, 1973, at Los Angeles, Calif., will be held in Room 8544, Federal Building, 300 North Los Angeles Street, March 9, 1973, at San Francisco, Calif., will be held in Room 15018, 15th floor, and March 10 through March 13, Room 13450, 13th floor, 450 Golden Gate Avenue, March 15, 1973, at Phoenix, Ariz., at the Arizona Corporation Commission, 1688 West Adams Street, March 19, 1973, at Jacksonville, Fla., will be held in Room 765, Federal Building, 400 West Bay Street, March 23, 1973, at Washington, D.C., will be held at the Offices of the Interstate Commerce Commission, April 2, 1973, at Boston, Mass., will be held on the fifth floor, 150 Causeway Street, and April 9, 1973, at Chicago, Ill., will be held in Room 204A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2379 Filed 2-6-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 2, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before February 22, 1973.

FSA No. 42612—*Processed clay from points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-385), for interested rail carriers. Rates on clay, processed, in carloads, as described in the application, from specified points in Texas, to points in eastern, Illinois, southern, southwestern, and western trunk-line territories.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 9 to Southwestern Freight Bureau, agent, tariff ICC 5026. Rates are published to become effective on March 3, 1973.

FSA No. 42613—*Joint water-rail container rates—American President Lines, Ltd.* Filed by American President Lines, Ltd., (No. 3), for itself and interested rail carriers. Rates on general commodities, between ports in the Orient, as shown in the application, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2380 Filed 2-6-73;8:45 am]

[Notice 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 2, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-48958 (Deviation No. 45), ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, TX 79105, filed January 18, 1973. Carrier's representative: Morris G. Cobb, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over U.S. Highway 73 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Interstate Highway 55 (U.S. Highway 66), thence over Interstate Highway 55 (U.S. Highway 66) to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lincoln, Nebr., over U.S. Highway 6 to Princeton, Ill., thence over U.S. Highway 34 to Chicago, Ill., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2384 Filed 2-6-73;8:45 am]

[Notice 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 2, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Re-

vised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 638), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed January 18, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction unnumbered highway and new U.S. Highway 101 (Morgan Hill Junction, Calif.), over new U.S. Highway 101 to junction unnumbered highway (South Gilroy Junction, Calif.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from San Francisco, Calif., over U.S. Highway 101 to junction unnumbered highway (Santa Rita Junction), thence over unnumbered highway to junction U.S. Highway 101 (Sherwood Park Junction, Salinas), thence over U.S. Highway 101 to junction unnumbered highway (North Gonzales Junction), thence over unnumbered highway via Gonzales to junction U.S. Highway 101 (South Gonzales Junction), thence over U.S. Highway 101 to junction unnumbered highway (San Lucas Junction), thence over unnumbered highway to junction U.S. Highway 101 (San Ardo Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Bradley Junction), thence over unnumbered highway to junction U.S. Highway 101 (Camp Roberts Junction), thence over U.S. Highway 101 to San Luis Obispo, Calif., and return over the same route.

No. MC-1515 (Deviation No. 639), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed January 24, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Richmond, Va., over Interstate Highway 64 to junction Virginia Highway 30, thence over Virginia Highway 30 to junction U.S. Highway 60, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Richmond, Va., over U.S. Highway 60 to Andersons Corner, Va., and return over the same route.

No. MC-54591 (Sub-No. 4) (Deviation No. 4), SOUTHEASTERN TRAILWAYS, INC., 205 North Senate Avenue, Indianapolis, IN 46204, filed January 19, 1973. Carrier's representative: Leslie Duvall, 2410 Indiana National Bank Tower, 1 Indiana Square, Indianapolis, IN 46204. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Indianapolis, Ind., and Jeffersonville, Ind., over Interstate Highway 65, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 421 to Greensburg, Ind., thence over Indiana Highway 3 to Charlestown, Ind., thence over Indiana Highway 62 to Jeffersonville, Ind., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2382 Filed 2-6-73;8:45 am]

[Notice 10]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 2, 1973.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.[1]

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 19157 (Sub-No. 16) (Republication), filed November 1, 1971, published in the FEDERAL REGISTER issue of December 9, 1971, and republished this issue. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., Rural Delivery 3, Box 4, Campbell Road, Schenectady, NY 12306. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, DC 20004. A report and order of the Commission, Review Board Number 3, dated December 1, 1972, and served January 16, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) (a) of *self-propelled electric tractors* and (b) of *parts, attachments, and accessories* for self-propelled electric tractors, from Scotia, N.Y., to points in Connecticut, Illinois, Maryland, Indiana, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, Maine, New Hampshire, Rhode Island, Delaware, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Florida, Louisiana, West Virginia, Mississippi, Michigan, and Wisconsin, and the District of Columbia; and (2) (a) of the commodities named in (1) (a) and (1) (b) above, and (b) of *materials and supplies* used in the manufacture and distribution of the commodities named in (1) (a) and (1) (b) above, from points in the destination territory in (1) above to Scotia, N.Y., subject to restrictions in (1) and (2) above against the transportation of commodities which by reason of size or weight require the use of special equipment, commodities in bulk, and self-propelled articles, weighing 15,000 pounds or more; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 112822 (Sub-No. 199) (Republication), filed May 20, 1971, published in the FEDERAL REGISTER issue of June 17, 1971, and republished this issue. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Thomas Lee Allman, Jr. (same address as applicant). A decision and order of the Commission, Review Board No. 3, dated January 3, 1973, and served January 17, 1973, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of *petroleum products*, in containers, (a) from the facilities of Gulf Oil Co. and Atlantic-Richfield Co. at or near Houston, Tex., to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Wisconsin, and New Mexico; and (b) from the facilities of Gulf Oil Co. and Texaco, Inc., at or near Beaumont, Tex., to points in Arkansas, Kansas, Oklahoma, and New Mexico; (2) of *dry polyethylene*, in containers, from the facilities of Gulf Oil Co., (a) at Houston, Tex., to points in the States set forth in 1(a) above; and (b) at Beaumont, Tex., to points in the

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality on the human environment resulting from approval of its application.

States set forth in 1(b) above; and (3) (a) of *dry fertilizer and fertilizer materials*, and (b) of *pesticides* in containers, from the ports of Catoosa and Muskogee, Okla., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, Wisconsin, and Texas, will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128030 (Sub-No. 32) (Republication), filed October 8, 1971, published and corrected in the FEDERAL REGISTER issue of November 25, 1971, and republished this issue. Applicant: THE STOUT TRUCKING CO., INC., Post Office Box 177, Rural Route No. 1, Urbana, IL 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, IL 60602. An order of the Commission, Review Board No. 4, dated January 11, 1973, and served January 24, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *malt beverages*, in containers, (1) from Detroit, Mich., to Danville, Ill.; (2) from Louisville, Ky., to Paris, Ill.; (3) from Evansville and South Bend, Ind., to Danville and Paris, Ill.; and (4) from LaCrosse, Wis., to Bloomington and Lincoln, Ill.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136519 (Republication), filed March 7, 1972, published in the FEDERAL REGISTER issue of May 4, 1972, and republished this issue. Applicant: JOHN RICHARDS, BETH RICHARDS, and DAVID JONES, a partnership doing business as: TRANS-WAY CO., Moscow, Pa. 18444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. An order of the Commission, Operating Rights Board, dated December 22, 1972, and served January 23, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *materials, supplies and products used in or produced by the food processing industry* (except in bulk), between Erie and North East, Pa., and Westfield, Dunkirk, Buffalo, and Newark, N.Y. on the one hand, and, on the other, points in Connecticut, under a continuing contract with Welch Foods, Inc.; will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, that a permit authorizing such operations should be granted, (1) subject to the conditions that the person or persons who control the operations both of the applicant, the partnership, and Trans-Way Co., a corporation, shall first obtain approval of such control under the provisions of section 5(2) of the Act or if such approval is not needed, shall so inform the Commission by affidavit, and (2) subject to compliance with the requirements of sections 215, 218, and 221(c) of the Interstate Commerce Act. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136732 (Sub-No. 1) (Republication), filed August 2, 1972, published in the FEDERAL REGISTER issue of September 28, 1972, and republished this issue. Applicant: CHEMAL, INC., Post Office Box 44, Wallops Island, VA 23337. Applicant's representative: George B. Brothers, Rural Delivery No. 3, Box 39, Pocomoke City, MD 21851. An order of the Commission, Operating Rights Board, dated January 4, 1973, and served January 16, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *passengers and their baggage*, in the same vehicle with passengers, between Wallops Island, Va., on the one hand, and, on the other, points in Virginia, New York, Pennsylvania, New Jersey, Delaware, Maryland, North Carolina, and the District of Columbia, under a continuing contract with National Aeronautics & Space Administration of Wallops Island, Va., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 135033 (Notice of filing of petition to modify a permit by addition of a shipper), filed January 11, 1973. Petitioner: SILVEY & COMPANY, a corporation, Gifford Road, Council Bluffs, Iowa 51501. Petitioner's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Petitioner presently holds a permit in No. MC 135033, issued November 19, 1971, authorizing operations over irregular routes of: *Such commodities* as are dealt in by retail department stores (except foodstuffs), from points in Alabama, Connecticut, Kentucky (except Louisville and points in its commercial zone as defined by the Commission), Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Ohio (except Cincinnati, Cleveland, Columbus, and Toledo and points in their respective commercial zones as defined by the Commission), to Omaha, Nebr., with no compensation on return except as otherwise authorized, and under a continuing contract, or contracts, with J. L. Brandeis & Sons, Inc., at Omaha, Nebr. By the instant petition, petitioner seeks to add the name of Richman Gordman Stores, Inc., at Omaha, Nebr., as a shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 60014 (Sub-No. 32) (Correction), filed October 16, 1972, published in the FEDERAL REGISTER issue of Novem-

ber 1, 1972, and republished this issue. Applicant: AERO TRUCKING, INC., Post Office Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Connecticut. NOTE: This application is a matter directly related to MC-F-11693, published in the FEDERAL REGISTER issue of October 26, 1972. Applicant states that the requested authority can be tacked with its heavy hauling and building material authority to allow service between points in Connecticut, on the one hand, and, on the other, points in Alabama, Delaware, Illinois, Kentucky, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. The purpose of this republication is to properly indicate both the requested commodities and exceptions which were previously published in error, and the applicant's tacking possibilities.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11761. (Correction) (GREAT SOUTHWEST WAREHOUSES, INC.—Purchase—(1) VICTORY VAN LINES, INC., AND (2) SEATTLE TRANSFER & STORAGE COMPANY), published in the January 17, 1973, issue of the FEDERAL REGISTER, on page 1680. Prior notice should have read for (1) VICTORY VAN LINES, INC. Used household goods, as a common carrier over irregular routes, between points in Burlington, Camden, and Gloucester Counties, N.J., and Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia Counties, Pa., between points in Burlington, Camden, and Gloucester Counties, N.J., and Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in that part of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in commercial zones and terminal areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the act (the "exempt" zone) and Baltimore, Md., with restrictions. NOTE: VICTORY VAN LINES, INC., AND SEATTLE TRANSFER & STORAGE COMPANY are commonly controlled.

No. MC-F-11776. Authority sought for purchase by REDWING REFRIGERATED, INC., Post Office Box 1698, Sanford, FL 32771, of a portion of the operating rights of EXPRESS, INCORPORATED, Post Office Box 15, Stephenson, VA 22656, and for acquisition by WYLE LABORATORIES, 128 Maryland Street, El Segundo, CA, of control of such rights through the purchase. Applicants' attorneys: James E. Wilson and Lawrence E. Lindeman, 425 13th Street NW., Washington, DC 20004. Operating rights sought to be transferred: *Apples and apple products*, as a *common carrier* over regular routes, from Winchester, Va., to Philadelphia, Pa., serving the intermediate points of Washington, D.C., and Baltimore, Md., restricted to delivery only; *canned goods and preserves, and vinegar*, in bottles and barrels, between Inwood, W. Va., and Biglerville, Pa., serving no intermediate points; *carbonated beverages*, from Newville, Pa., to Winchester, Va., serving the intermediate point of Martinsburg, W. Va., restricted to moving from Newville; *lime*, from Martinsburg, W. Va., to Winchester, Va., serving no intermediate points; *feed*, from Lancaster, Pa., to Winchester, Va., serving the intermediate point of York, Pa., restricted to pickup only; *apples*, over irregular routes, from Inwood, W. Va., and points in West Virginia within 10 miles thereof, to Baltimore, Md., and Washington, D.C.; *apples and peaches*, from certain specified points in Virginia and West Virginia to Washington, D.C., Baltimore, Md., certain specified points in Pennsylvania, New York, and Georgia, and points in North Carolina and South Carolina;

Fruit products, canned goods, sauerkraut, and pickles, from certain specified points in Virginia, and points in Inwood and Martinsburg, W. Va., to Washington, D.C., Baltimore and Cumberland, Md., Philadelphia, Altoona, and Pittsburgh, Pa. ,New York and Buffalo, N.Y., certain specified points in West Virginia, and points in Pikesville, Ky., certain specified points in Georgia, and points in North Carolina and South Carolina; *canned food products*, from Front Royal, Va., to Baltimore and Annapolis, Md., New York, N.Y., points on Long Island, N.Y., and those in Alabama, Georgia, Kentucky, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia; *citric and tartaric acid, soda, drums, and frozen fruit*, from Philadelphia, Pa., to Front Royal, Va.; *container caps, covers and labels, and frozen fruit*, from Long Island City and New York, N.Y., to Front Royal, Va.; *dehydrated fruit*, from Front Royal, Va., to Pittsburgh, Pa.; *frozen fruit*, from Erie and Pittsburgh, Pa., to Front Royal, Va.; *glass bottles*, from Laurens, S.C., and Fairmont, W. Va., to certain specified points in Virginia and points in Hagerstown, Md.; *glass containers*, from Bridgeton and Salem, N.J., Connellsville and Washington, Pa., and Huntington, W. Va., to Front Royal, Va.; *glassware and jar and glass tops*, from Washington, Pa., and Huntington, Fairmont, and Grafton, W. Va., to Winchester; *soft drink concentrate*, from Columbus, Ga., to Winchester, Va.; *wooden and metal containers, spices, sugar, sulphur, muriatic acid, alcohol, wine, liquor, rum, corn syrup, beef suet, frozen fruit, container caps and covers, paste, glue, labels, and machinery parts*, from Baltimore, Md., to Front Royal, Va.; *coal*, from Westernport, Md., and Bluefield, W. Va., to Front Royal, Va.;

Cottonseed meal, from Charlotte, N.C., Hartsville, Kershaw, and Columbia, S.C., and Atlanta, Augusta, and Macon, Ga., to certain specified points in Virginia; *sugar, canned goods, and spraying materials*, from Baltimore, Md., to Winchester, Va.; *livestock*, from Inwood, W. Va., and points in West Virginia within 10 miles thereof, to Baltimore, Md.; *general commodities*, excepting among other, classes A and B explosives, household goods and commodities in bulk, from Winchester, Va., to points in Virginia and West Virginia within 70 miles of Winchester; *cottonseed meal and soybean meal*, from Goldsboro, Raleigh, Wilson, and Rocky Mount, N.C., and Bishopville, Columbia, Darlington, Hartsville, Kershaw, and Marion, S.C., to certain specified points in Pennsylvania, points in Maryland, and points in that part of Virginia on and north of U.S. Highway 60 (except cottonseed meal, from Hartsville, Kershaw, and Columbia, S.C., to Winchester, Strasburg, Woodstock, Mount Jackson, Harrisonburg, Staunton, Roanoke, and Front Royal, Va.); *canned goods*, from Winchester, Va., and Martinsburg, W. Va., to certain specified points in Florida, from Timberville, Va., to points in Georgia, Alabama, Tennessee, Mississippi, and Missouri; *canned and preserved foodstuffs*, from points in Adams County, Pa., certain specified points in Virginia, and points in Berkeley County, W. Va., to points in Florida; *egg containers*, from Atlanta, Ga., to points in Alabama. Vendee is authorized to operate as a *common carrier* in Maryland, Massachusetts, Mississippi, Maine, New York, New Jersey, North Carolina, Pennsylvania, Alabama, Florida, South Carolina, Louisiana, Georgia, Virginia, Ohio, Connecticut, Delaware, Rhode Island, Indiana, West Virginia, Vermont, Tennessee, New Hampshire, Illinois, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11777. Authority sought for purchase by PROPANE TRANSPORT, INC., Post Office Box 1734, State Route 131, Milford, OH 45150, of the operating rights of HUFF TRANSPORT CO., INC., 2114 South 41st Street, Louisville, KY, and for acquisition by CALIFORNIA LIQUID GAS CORPORATION, Box 28397, Sacramento, CA 95828, and DILLINGHAM CORPORATION, Box 3468,

Honolulu, HA, of control of such rights through the purchase. Applicant's attorneys: Carl B. Swanson, Box 28397, Sacramento, CA 95828, George M. Catlett, Seventh Floor, McClure Building, Frankfort, KY 40601, and James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: *Specified commodities*, as a *common carrier*, over irregular routes, from, to, and between specified points in the States of Kentucky, Indiana, Ohio, Tennessee, Arkansas, Mississippi, North Carolina, South Carolina, Illinois, Alabama, Florida, Georgia, Virginia, West Virginia, California, Massachusetts, Connecticut, New York, Maryland, Pennsylvania, New Jersey, Louisiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Wisconsin, Montana, Delaware, and South Dakota, with restrictions, as more specifically described in Docket No. 114091 and Sub numbers thereunder. This notice does not purpose to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a *common carrier* in Georgia, Indiana, Michigan, Ohio, Kentucky, South Carolina, Tennesse, West Virginia, Illinois, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11778. Authority sought for control and merger by T.I.M.E.–DC, INC., Post Office Box 2550, Lubbock, TX 79408, of the operating rights and property of HUSMAN EXPRESS CO., Post Office Box 41072, Cincinnati, OH 45241, and for acquisition by NATIONAL CITY LINES, INC., Post Office Box 10127, Lubbock, TX 79408, of control of such rights and property through the transaction. Applicants' attorney: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, MI 48226. Operating rights sought to be controlled and merged: Under a certificate of registration in Docket No. MC–98067 (Sub No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Texas, Oklahoma, Arkansas, Tennessee, Missouri, and Kansas. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–35320 (Sub No. 135), is a matter directly related.

No. MC–F–11779. Authority sought for control by J. E. REED and W. H. REED, 131 Quincy Avenue, Knoxville, TN 37917, of SOUTHERN CARTAGE, INC., Post Office Box 3117, 401 Jackson Avenue West, Knoxville, TN 37917. Applicants' attorney: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Granting of this application is conditioned upon the person or persons engaging in common control or management filing an application for approval thereof section 5(2) of the Interstate Commerce Act. Operating rights sought to be controlled: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), as a *common carrier* over irregular routes, between points in Hawkins, Sullivan, Johnson, Carter, Washington, and Unicoi Counties, Tenn., restricted to the transportation of traffic having a prior or subsequent movement by rail. J. E. REED and W. H. REED holds no authority from this Commission. However, they are affiliated with SKYLINE TRANSPORTATION, INC., 131 Quincy Avenue, Knoxville, TN 37917, which is authorized to operate as a *common carrier* in Kentucky and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11780. Authority sought for purchase by GREAT COASTAL EXPRESS, INCORPORATED, 501 South 14th Street, Richmond, VA 23224, of the operating rights of WESTBURY & SONS, INCORPORATED, 2521 Salisbury Road, Midlothian, VA 23113, and for acquisition by CHARLES EDWIN ESTES, 8801 River Road, Richmond, VA 23229, of control of such rights through the purchase. Applicants' attorney: Calvin F. Major, 200 West Grace Street, Richmond, VA 23220. Operating rights sought to be transferred: *Lumber*, as a *common carrier* over regular routes, from Petersburg, Va., to Baltimore, Md., serving the intermediate point of Washington, D.C., for delivery only; *cottonseed meal*, from Battleboro, N.C., to Petersburg, Va., serving the intermediate point of Weldon, N.C., for pick-up only; *raw-tobacco*, from Durham, N.C., to Petersburg, Va., serving the intermediate points of Oxford and Henderson, N.C., for pick-up only; *oil* and *grease*, in containers, from Marcus Hook, Pa., to Hopewell, Va., serving no intermediate points; *the commodities* classified as (a) meat, meat products, and meat by-products, (b) dairy products, and (c) articles distributed by meat packinghouses, in the appendix to the report, in *Modification of Permits Packing House Products*, 46 M.C.C. 23, between Petersburg and Chase City, Va., southbound via Emporia, Va., and northbound via Blackstone, Va., serving all intermediate points;

Fresh fruit, over irregular routes, from West Point, Va., to Washington, D.C., Baltimore, Md., Philadelphia, Pa., and New York, N.Y.; *empty barrels*, from Durham, Rocky Mount, Weldon, Henderson, and Winston-Salem, N.C., to Norfolk, Va.; *canned goods*, from Norfolk, Va., to certain specified points in North Carolina, and Petersburg and Blackstone, Va.; *vinegar*, from Winchester, Va., to Henderson, Littleton, Roanoke Rapids, and Warrenton, N.C.; *household goods*, between Hopewell and Petersburg, Va., on the one hand, and, on the other, points in Virginia, North Carolina, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia; *heavy machinery*, between points in Virginia, on the one hand, and, on the other, points in North Carolina; *general commodities*, excepting among others, classes A and B explosives, livestock, and household goods, between points within 8 miles of Petersburg, Va., including Petersburg; *materials, supplies and equipment* used or useful in the construction and maintenance of telephone lines, between Petersburg and Hopewell, Va., on the one hand, and, on the other, points in Virginia within 70 miles of Petersburg. Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, Pennsylvania, New Jersey, New York, North Carolina, Delaware, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11786. Authority sought for purchase by CONTINENTAL VAN LINES, INC., Post Office Box 168, Monterey, CA 93940, of the operating rights of DELCHER BROTHERS STORAGE COMPANY, Post Office Box 507, Jacksonville, FL 32201, and for acquisition by NORMAN E. WILEY, 325 Elder Avenue, Seaside, CA 93950, and J. VERNON MYRES, 779 Anita Street, Chula Vista, CA 92011, of control of such rights through the purchase. Applicants' attorney: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Hamphire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, between points in Alabama and Texas, between points in Florida, on the one hand, and, on the other, points in Arkansas, Iowa, Kansas, Maine, Michigan, Oklahoma, and Wisconsin, between points in Florida and Georgia, on the one hand, and, on the other, points in Texas, between points in South Carolina, on the one hand, and, on the other, points in Iowa, Kansas, Texas, Michigan, and Wisconsin, between points in Florida (except points in Martin, Palm Beach, Broward, Dade, Monroe, Collier, Hendry, Lee, Charlotte, Glades, and DeSoto Counties), on the one hand, and, on the other, points in California, with restriction. Vendee is authorized to operate as a *common carrier* in California, Nevada, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11787. Authority sought for purchase by O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, CA 94303, of the operating rights and property of WILLIAM LOUIS

DAMON, doing business as DAMON FREIGHT LINES, Post Office Box 609, Window Rock, AR 86515, and for acquisition by ROCOR INTERNATIONAL, also of Palo Alto, Calif. 94303, of control of such rights and property through the purchase. Applicants' attorneys: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104, Roland Rice, 1111 E Street NW., Washington, DC 20004, and Thomas F. McKenna, 923 Bank of New Mexico Building, Albuquerque, N. Mex. 87101. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier* over irregular routes, between Albuquerque, Farmington, Gallup, Gamerco, N. Mex., and Flagstaff, Ariz., on the one hand, and, the Navajo, Zuni and Hopi Indian Reservations in Arizona, New Mexico, and Utah, and points in McKinley County and San Juan County, N. Mex. (except Gallup and Farmington). Vendee is authorized to operate as a *common carrier* in Arizona, California, Nevada, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11788. Authority sought for purchase by WEST FARMS EXPRESS, INC., 1095 Close Avenue, Bronx, NY 10472, of the operating rights of H & M FAST FREIGHT, INC., 11 Lancelot Lake, East Setauket, NY, and for acquisition by BERNARD SIEGEL, also of Bronx, N.Y. 10472, of control of such rights through the purchase. Applicants' attorney: William Biederman, 280 Broadway, New York, NY 10007. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-99756 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b). NOTE: MC-74164 (Sub-No. 6) is a directly related matter.

MOTOR CARRIER PASSENGER

No. MC-F-11781. Authority sought for purchase by INDIANA MOTOR BUS COMPANY, 715 South Michigan Street, South Bend, IN 46624, of the operating rights of A.B.C. COACH LINES, INC., 116 Rudisill Boulevard, Fort Wayne, IN 46807, and for acquisition by E. E. FURRY AND HELEN HOWELL FURRY, all of 715 South Michigan Street, South Bend, IN 46624, of control of such rights through the purchase. Applicants' attorney: Harry J. Harman, 8130 South Meridan Street, Indianapolis, IN 46217. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Fort Wayne and South Bend, Ind., with restriction. Vendee is authorized to operate as a common carrier in Indiana, Michigan, and Illinois. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2383 Filed 2-6-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 2, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Tennessee Docket No. MC-4884 (Sub-2), filed January 8, 1973. Applicant: DAYTON MOTOR EXPRESS, INC., North Broadway, Dayton, Tenn. Applicant's repersentative: William H. Lasiter, Jr., 22d Floor, Life and Casualty Tower, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service, amended, as follows: Transportation of *General commodities*, (except used household goods, commodities in bulk, in tank or hopper vehicles, explosives, and commodities requiring special equipment), in interstate and intrastate commerce. Between Dayton, Tenn., and Watts Bar Dam, Tenn., as follows: To serve the community of Watts Bar Dam, Tenn., and plantsite of the Tennessee Valley Authority, Nuclear Power Plant located on State Highway 68 (which runs between U.S. Highway 27 and Sweetwater, Tenn.) as an off-route point in conjunction with applicant's present route authority between Spring City, Dayton, and Chattanoga, Tenn., in interstate and intrastate commerce.

HEARING: March 8, 1973, at the Commission's Courtroom, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2381 Filed 2-6-73;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
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3379–3496	6
3497–3570	7

federal register

WEDNESDAY, FEBRUARY 7, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 25

PART II

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

■

ADMINISTRATIVE REVIEW PROCEDURE

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 17—LEAA ADMINISTRATIVE REVIEW PROCEDURE

This addition to Chapter I of Title 28 of the Code of Federal Regulations is issued as Part 17 by the Law Enforcement Assistance Administration.

This addition is based on a notice of proposed rule making published in the FEDERAL REGISTER on August 12, 1972 (37 FR 16401).

The overall purpose of this procedure is to implement the proceedings authorized by the Administrative Provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, Subchapter of Chapter 46 of Title 42 of the United States Code. This procedure is set up to provide public hearings with all administrative procedure safeguards. Hearings are provided to achieve resolution of disputed issues by the fastest and most inexpensive means. The procedure is based upon the theory that open proceedings and full consideration of all facts is the best course. Any contrary language in the procedure should be strictly construed.

Four kinds of proceedings are set out in the procedure:

(i) Compliance hearings for any LEAA grant fund withholdings, denials, or terminations;

(ii) Compliance hearings for a State sub-grantee alleging abuse of the State hearing and appeal procedures;

(iii) An adjudicative hearing for any direct LEAA grantee or applicant allegations; and

(iv) An administrative investigation prior to hearing to gather information, and to attempt resolution short of the statutory remedies.

Each hearing authorized under this administrative procedure closely follows the standards set out in the Administrative Procedure Act, 5 U.S.C. section 550 et seq.

The wide latitude given by these procedures do not necessarily constitute a widening of the rules applicable to permissible complainants. In all hearings, the only permissible parties remain the Administration, applicants, or grantees. However, the administrative investigation permits complaints by a wide variety of individuals, although the Administration still retains ultimate discretion.

The hearing procedure itself contains two noteworthy features. First, there is a provision for a prehearing conference prior to any hearing under the procedures. This feature would streamline the proceeding and promote smoother operation. Secondly, the procedure provides for discovery through the use of oral and written depositions, written interrogatories, and subpoenas duces tecum. The purpose here is also to facilitate the adjudication of cases.

Effective date. The foregoing Hearing and Appeal Procedure shall be effective on February 7, 1973.

JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration.

Sec.

AUTHORITY: Administrative Provisions, Omnibus Crime Control and Safe Streets Act of 1968, as amended, Subchapter of Ch. 46 of title 42, United States Code.

§ 17.1 Purpose and scope of the rules.

In order to accomplish the purposes of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, to promote and insure the appropriate distribution of all funds controlled by the Law Enforcement Assistance Administration, and to ensure compliance with the applicable laws and regulations, the rules and procedures set forth in this part shall be observed by all individuals and organizations applying for or receiving funds, either directly or through intermediate agencies, from the Law Enforcement Assistance Administration. The rules and procedures of this part govern all proceedings authorized under chapter 46 of title 42 of the United States Code.

§ 17.2 Definitions.

(a) *Administration.* The term "Administration" means the Law Enforcement Assistance Administration, as established under chapter 46 of title 42 of the United States Code, and includes every organizational instrumentality thereof.

(b) *Applicant.* The term "applicant" means any person who is authorized to apply directly to the Administration, under chapter 46 of title 42 of the United States Code, for a grant.

(c) *Grant.* The term "grant" means a direct award of funds between the Administration and the person to whom the funds have been allocated.

(d) *Grantee.* The term "grantee" means any person who is receiving a grant from the Administration.

(e) *Party.* The term "party" means any person authorized under chapter 46 of title 42 of the United States Code to participate in hearings or investigation proceedings.

(f) *Person.* The term "person" means any natural, corporate, or government entity.

(g) *Proceeding.* The term "proceeding" means either a hearing or an investigatin.

(h) *Public hearing.* The term "public hearing" means a hearing in which any party may proffer evidence, and in which any person may be present and may testify with the permission of the hearing examiner.

(i) *Qualified counsel.* The term "qualified counsel" means any individual who is a member in good standing of the bar of the highest court of a State, which includes the Commonwealth of Puerto Rico, the District of Columbia, the territories of Guam, the Virgin Islands, and American Samoa.

(j) *Region.* The term "region" means any one of the ten (10) geographical divisions of the Administration.

(k) *State planning agency.* The term "State planning agency" means any organization established and operating under the authority of subchapters II and III of chapter 46 of title 42 of the United States Code.

(l) *Sub-grant.* The term "sub-grant" means a distribution of funds between a State planning agency and the person to whom the funds have been allocated.

(m) *Sub-grant applicant.* The term "sub-grant applicant" means any person who is authorized to apply to a State planning agency for a sub-grant according to the rules and procedures promulgated by such State planning agency under 42 U.S.C. section 3733.

(n) *Sub-grantee.* The term "sub-grantee" means any person who is receiving a sub-grant from a State planning agency.

AUTHORIZED PROCEEDINGS

§ 17.31 Administrative investigations.

(a) *Compliance investigation.* The responsible Administration official or his designee will make a prompt investigation under 42 U.S.C. 3757 whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with provisions of the "Act" and regulations promulgated by the administration or plan or application submitted under the "Act." The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance occurred, and other factors relevant to a determination as to whether the recipient has failed to comply.

(b) *Resolution of matters.* (1) If an investigation pursuant to paragraph (a) of this section indicates a failure to comply, the responsible Administration official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has

been determined that the matter cannot be resolved by informal means, action will be taken as provided in § 17.32.

(2) If an investigation does not warrant action pursuant to § 17.32, the responsible Administration official or his designee will so inform the recipient and the complainant, if any, in writing.

(c) *Adjudicative investigation.* An investigation proceeding may be initiated by the Administration prior to the conduct of a hearing under the authority of 42 U.S.C. § 3758(b) so the matter may be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means action will be taken as provided for in § 17.33.

(d) *Right to hearing.* No recipient of Federal financial assistance or applicant for such assistance shall be denied access to the hearing or appeal procedures set forth in §§ 17.32 and 17.33 for denial or discontinuance of a grant or withholding of payments thereunder resulting from the application of this subpart.

§ 17.32 Compliance hearing.

Every hearing held under the authority of 42 U.S.C. section 3757 shall be known as a "compliance hearing." Such hearing shall be initiated by the Administration if, within ten (10) days after serving a notice of noncompliance by registered mail upon an applicant or grantee, any notified applicant or grantee makes written request to the Administration for a hearing. Otherwise, the opportunity for hearing shall be deemed to have been waived. The Administration is authorized to serve a notice of noncompliance against any applicant or grantee in the following situations: Upon the written request of a subgrantee or subgrant applicant alleging an abuse of a State planning agency's approved hearing and appeal procedures, as promulgated under the provision of 42 U.S.C. section 3733(7); or, upon its own initiative, if it decides that there has been a substantial failure to comply with paragraph (a) or (b) of this section. The Administration shall withhold any payments made under chapter 46 of title 42 of the United States Code after a waiver of hearing by the applicant or grantee or after a compliance hearing on the merits of the case, if the Administration determines that there has been a substantial failure on the part of the applicant or grantee to comply with and take affirmative action to comply with:

(a) The regulations of the Administration promulgated under chapter 46 of title 42 of the United States Code;

(b) Any plan or application submitted under the provisions of chapter 46 of title 42 of the United States Code.

Lesser sanctions available to the Administration include: Public disclosure of the failure to comply; injunctive action in the Federal courts; disallowance as a program or project cost of an expenditure that does not conform with LEAA standards; partial denial or cutoff of funds; imposition of additional requirements by special conditions; transfer of the grant to another grantee or other appropriate action. Compliance hearings shall be conducted according to the rules and procedures of this part.

§ 17.33 Adjudicative hearing.

Every hearing held under the authority of 42 U.S.C. section 3758(b) shall be known as an "adjudicative hearing." Such hearing may be initiated by an applicant or grantee at any time upon satisfaction of the rules and procedures of this part for the bringing of a claim. However, subgrantees or subgrant applicants may not initiate an adjudicative hearing. An applicant or grantee may initiate an adjudicative hearing only under the following circumstances:

(a) Rejection of an applicant's application; or

(b) Denial of any grant to grantee; or

(c) Reduction of a portion of a grant to a grantee; or

(d) Granting of a lesser amount than the applicant believes to be appropriate under chapter 46 of title 42 of the United States Code.

Adjudicative hearings shall be conducted according to the rules and procedures of this part.

§ 17.34 Rehearing.

Every hearing held under the authority of 42 U.S.C. section 3758(c) shall be known as a "rehearing." Such hearing may be initiated by an applicant or a grantee after final action under § 17.33 if he makes a written request for a rehearing within thirty (30) days after the issuance of the determinations and findings of fact by the Administration. Otherwise, the right of the applicant or grantee to a rehearing shall be deemed to have been waived. The Administration shall order a rehearing if it finds that the applicant or grantee has presented newly arisen or newly discovered matter which is sufficient to require the conduct of further proceedings on the issue, or the applicant or grantee has shown some defect in the conduct of the initial hearing sufficient to cause substantial unfairness in reaching the result therein. New or modified findings of fact and determinations may be given by the Administration after a rehearing. All rehearings shall be conducted under the rules and procedures of this part which govern adjudicative hearings.

§ 17.35 Hearing upon remand.

Every hearing held under the authority of 42 U.S.C. section 3759 shall be known as a "hearing upon remand." Such hearing will be initiated by the Administration upon remand from a court for further proceedings, concerning any final action of the Administration under §§ 17.32–17.34 or concerning an application or plan submitted under chapter 46 of title 42 of the United States Code. New or modified findings of fact and determinations may be given by the Administration after a hearing upon remand. All hearings upon remand shall be conducted under the rules and procedures which govern compliance hearings.

PLEADINGS

§ 17.41 Request for hearing.

(a) All hearings or rehearings, except for compliance hearings and hearings upon remand shall be initiated by the filing of a request for a hearing with the Administration.

(b) The applicant's or grantee's request shall contain the following:

(1) Recital of the regulation under which the requestor is applying for review; and

(2) A clear and concise factual statement sufficient to inform the Administration with reasonable definiteness of the nature of petitioner's request and of the issues involved.

(3) Recital of relief requested.

§ 17.42 Complaints.

(a) All compliance hearings and all hearings upon remand will be initiated by the issuance and service of a complaint by the Administration upon the applicant or grantee:

(1) In a compliance hearing, the complaint will contain notice to the applicant or grantee of the action to be taken and of his opportunity to request a hearing on the matter and will recite the allegations which form the basis of the complaint;

(2) In a hearing upon remand, the complaint will contain notice to the applicant or grantee of the proposed taking of evidence and of his opportunity to file an answer and will recite allegations based up on the issues remanded by the court.

(b) The applicant or grantee will have thirty (30) days in which to file an answer to the complaint.

(1) *Content of the answer.* If the allegations of fact in the complaint are contested, the applicant or grantee will give a concise statement of the facts constituting each ground of defense, will specifically admit, deny, or explain each fact alleged in the complaint or, if the applicant or grantee is without knowledge thereof, will state that he is without knowledge of the particular fact.

(2) *Motion for a more definite statement.* Where a reasonable showing to the satisfaction of the hearing examiner is made by an applicant or grantee that he cannot frame a responsive answer based on the allegations contained in the complaint, he may move for a more definite statement of allegations by the Administration before he files an answer. Such a motion shall be filed within ten (10) days after service of the complaint and the applicant's or grantee's answer must be filed within ten (10) days after service of a more definite statement of allegations. If the motion for a more definite statement is denied, the applicant or grantee shall file his answer ten (10) days after service of the order of denial or thirty (30) days after service of complaint, whichever is later.

§ 17.43 Notice of hearing.

The filing of a claim by an applicant or grantee under § 17.41 shall constitute adequate and due notice to him under

the rules and procedures of this part. The service of a complaint by registered mail on an applicant or grantee under § 17.42 shall constitute adequate and due notice to him under the rules and procedures of this part.

§ 17.44 Prehearing conference.

(a) *When permitted.* The hearing examiner, upon his own motion or upon application of either party, may call upon the parties to appear before him to consider:

(1) Simplification or clarification of the issues;

(2) Stipulations, admissions, agreements on documents, or other understandings which will avoid unnecessary proof;

(3) Limitation of the number of expert witnesses and of other cumulative evidence;

(4) Settlement of all or part of the issues in dispute;

(5) Such other matters as may aid in the disposition of the case;

(b) *Conference record.* The results of the conference shall be reduced to writing by the hearing examiner within five (5) days after the close of the conference. Copies shall be duly served on the parties who may, within ten (10) days from receipt of the written record, file objection, comment, request for correction or other motion pertaining to that record of prehearing conference. The record of prehearing conference together with any objection comment, request for correction or other motion made by the parties shall become a part of the hearing record.

PROCEDURE FOR HEARINGS, REHEARINGS, AND HEARINGS UPON REMAND

§ 17.51 General rules.

(a) *Public hearings.* All hearings under this part shall be public unless otherwise ordered by the Administration. Prior to the holding of a public hearing, the Administration shall give notice of the hearing to all persons by notice in the FEDERAL REGISTER and by posting announcement of the hearing in a newspaper of general circulation for at least five (5) consecutive days immediately preceding the day of the hearing.

(b) *Initiation of hearings.*—(1) *Generally.* All compliance hearings, adjudicative hearings, or rehearings relating to the distribution of funds under subchapters II, III, or IV–A or section 3746 of chapter 46 of title 42 of the United States Code shall be initiated, under the provisions of § 17.4, in that regional office which exercises administrative control over the party's application or grant. All compliance hearings, adjudicative hearings, or rehearings relating to the distribution of funds under subchapter IV, exclusice of § 3746, of chapter 46 of title 42 of the United States Code shall be initiated, under the provisions of § 17.4, at the Administration headquarters in Washington, D.C.

(2) *Hearings Upon remand.* All hearings upon remand from judicial review under the provisions of 42 U.S.C. section 3759 shall be initiated, under the provisions of § 17.4, at the Administration headquarters in Washington, D.C.

(3) *Rehearings.* The initiation of rehearings will be governed by the provisions of § 17.51(b)(1), except that any rehearing may be initiated at the Administration headquarters in Washington, D.C., at the discretion of the applicant or grantee.

(c) *Place of hearings.*— (1) *Hearings initiated in regional offices.* A hearing which is initiated in a regional office may be held at any place within that region, at the discretion of the hearing examiner or the Administration.

(2) *Hearings initiated at the Administration headquarters.* A hearing which is initiated at the Administration headquarters in Washington, D.C., may be held at any place within any region, at the discretion of the hearing examiner or the Administration.

(d) *Expedition.* All hearings which are held under this part shall proceed in an expeditious manner. Such hearings shall be held in one place and shall continue without suspension until conclusion, except that a hearing examiner may call reasonable recesses, may order hearings to be held at more than one place when good cause for such action has been shown to the hearing examiner's satisfaction, and may order brief intervals to permit discovery under § 17.56. No other intervals shall be authorized for hearings except as directed by the Administration.

(e) *Rights of parties.* Any party participating in a hearing under this part shall be given reasonable notice and opportunity for hearing, shall be allowed to present evidence on his behalf, shall be able to be represented at every stage of the hearing procedures by qualified counsel.

(f) *Participation.* Any party or any interested person or his representative may be sworn as a witness and heard.

§ 17.52 Presiding officials.

(a) *Who presides.* Any duly qualified hearing examiner or any member of the Administration so authorized by the Administration may hold a hearing under this part. The term "hearing examiner" as used in this part means and applies to any member of the Administration when so sitting.

(b) *How assigned.* The presiding hearing examiner shall be designated by the Administration, who shall notify the parties of the hearing examiner designated.

(c) *Powers and duties.* Every hearing examiner shall have all of the following powers and duties:

(1) The power to hold hearings and regulate the course of the hearings and the conduct of the parties and their counsel therein;

(2) The power to sign and issue subpoenas and other orders requiring access;

(3) The power to administer oaths and affirmations;

(4) The power to examine witnesses;

(5) The power to rule on offers of proof and to receive evidence;

(6) The power to take depositions or to cause depositions to be taken when the ends of justice are served;

(7) The power to hold conferences under § 17.44 for the settlement or simplification of the issues or for any other proper purpose;

(8) The power to consider and rule upon procedural requests and other motions, including motions for default;

(9) The duty to conduct fair and impartial hearings;

(10) The duty to maintain order;

(11) The duty to avoid unnecessary delay; and

(12) All powers and duties expressly or impliedly authorized by this part, by chapter 46 of title 42 of the United States Code and by the Administrative Procedures Act as restated and incorporated in title 5 of the United States Code.

(d) *Suspension of counsel by hearing examiner.* The hearing examiner shall have the authority, for good cause stated on the record, to suspend or bar from participation in a particular proceeding any counsel who shall refuse to comply with his directions, or who shall be guilty of disorderly, dilatory, obstructionist, or contumacious conduct, or contemptuous language in the course of such proceeding. Any counsel so suspended or barred shall have an immediate right of appeal to the Administration. Such appeals shall be in the form of a brief not to exceed thirty (30) pages in length and shall be filed within five (5) days after notice of the hearing examiner's action. Answer thereto may be filed within five (5) days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Administration; in the event the hearing is not suspended, the counsel may continue to participate therein pending disposition of the appeal.

(e) *Disqualification of hearing examiner.* (1) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by giving notice on the record and shall notify the Administration of such withdrawal.

(2) Whenever any party shall deem the hearing examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, such party may file with the Administration a motion to disqualify and remove the hearing examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. A copy of the motion shall be served by the Administration on the hearing examiner whose removal is sought, and the hearing examiner shall have ten (10) days from such service within which to reply. If the hearing examiner does not disqualify himself within the ten (10) days within which he may reply, then the Administration shall promptly determine the validity of the grounds alleged, either directly or on the report of another hearing examiner appointed to conduct a hearing for that purpose.

(f) *Failure to comply with a hearing examiner's directions.* Any party who refuses or fails to comply with a lawfully issued order or directive of a hearing examiner may be considered to be in contempt of the Administration. The circumstances of any such neglect, refusal, or failure, together with a recommendation for appropriate action, shall be promptly forwarded by the hearing examiner to the Administration. The Administration may take such action in regard thereto as it feels the circumstances may warrant.

§ 17.53 Evidence and record.

(a) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in section 17.43 of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Administration and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(b) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

§ 17.54 Motions.

(a) Presentation and dispositions: During the time a proceeding is before a hearing examiner, all motions therein, except those filed under § 17.52(e)(2), shall be addressed to the hearing examiner and, if within his authority, shall be ruled upon by him. Any motion upon which the hearing examiner has no authority to rule shall be certified by him to the Administration with his recommendation. All written motions shall be filed with the office in which the proceeding was initiated and all motions addressed to the Administration shall be in writing.

(b) Content: All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

(c) Within ten (10) days after service of any written motion, or within such longer or shorter time as may be designated by the hearing examiner or the Administration, the opposing party shall answer or shall be deemed to have consented to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the hearing examiner or the Administration.

(d) *Rulings on motions:* All rulings on motions shall be made only after giving all parties a reasonable opportunity to make a statement on their behalf.

§ 17.55 Discovery.

(a) *Dispositions*—(1) *When justified.* At any time after the initiation of the proceeding, whether or not the issue has been joined, the hearing examiner, at his discretion, may order by subpoena the taking of a deposition and the production of documents by the deponent. Such order may be entered upon a showing that the deposition is necessary for discovery purposes, and that such discovery could not be accomplished by voluntary methods. Such an order may also be entered in extraordinary circumstances to preserve relevant evidence upon a showing that there is substantial reason to believe that such evidence could not be presented through a witness at the hearing. The decisive factors for a determination under this subsection, however, shall be fairness to all parties and the requirements of due process. Depositions may be taken orally or upon written questions before any person having power to administer oaths who may be designated by the hearing examiner.

(2) *Form of application.* Any party desiring to take a deposition shall make application in writing to the hearing examiner, setting forth the justification therefor, the time when, the place where, and the name and address of each proposed deponent and the subject matter concerning which each is expected to depose, and shall, at this time, request any subpoenas which are desired to effect the deposition. The hearing examiner shall then issue a notice of subpoena to the person to be deposed.

(3) *Ruling on the application.* Such order as the hearing examiner may issue for taking a deposition shall state the circumstances warranting its being taken and shall designate the time when, the place where, and the name and address of the officer before whom the deposition is desired. The time designated shall allow not less than five (5) days from the date of service of the order, when the deposition is to taken within the United States, and not less than fifteen (15) days, when the deposition is to be taken elsewhere.

(4) *Modification of ruling.* Upon a motion, within ten (10) days after service of the notice of subpoena, by any party or by the person to be deposed and after a showing of good cause, the hearing examiner may order that the deposition shall not be taken, that certain matters not be inquired into, or may make any other order which justice requires to protect the party or deponent from the unnecessary disclosure or publication of information contrary to the public interest or beyond the requirements of justice in the particular proceeding.

(5) *Taking a deposition.* Each deponent shall be duly sworn, and any adverse party shall have the right to cross-examine. Objections to questions or documents shall be in short form, stating the grounds of objections relied upon. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate), shall be reduced to writing and certified by the officer before whom the deposition was taken. Thereafter, the officer shall forward the deposition and one (1) copy thereof to the party at whose instance the deposition was taken and shall forward one (1) copy thereof to the representative of each other party who was present or represented at the taking of the deposition.

(6) *Admissions.* A deposition or any part thereof may be admitted into evidence as against any party who was present or represented at the taking of the deposition or who had due notice thereof, if the hearing examiner finds: (i) That the deponent is dead; (ii) that the deponent is out of the United States or is located at such a distance that his attendance would be impractical, unless it appears that the absence of the deponent was procured by the party offering the deposition; (iii) that the deponent is unable to attend or testify because of age, sickness, infirmity, or imprisonment; (iv) that the party offering the deposition has been unable to procure the attendance of the deponent by subpoena; or (v) that there are good and sufficient reasons for such admission and that the admission of the evidence would be fair as to adverse parties and in accordance with elementary principles of due process for all parties. In all cases, the admission of such testimony shall occur only after adequate notice and opportunity for argument have been given to all parties.

(b) *Interrogatories to the parties*—(1) *Availability.* Any party may serve upon any other party written interrogatories to be answered by the party served, or by an authorized representative of the party if the party served is a corporate or governmental entity. The party served shall also furnish all information which is available to him. Interrogatories shall not be served until after the applicant's or grantee's claim or answer has been filed.

(2) *Form of interrogatories and responses.* The interrogatories shall be addressed to the party or to his authorized representative and may be served on the party, his authorized representative, or his attorney. Each interrogatory shall be answered separately and fully in writing under oath by the party addressed or by his authorized representative. Responses to the interrogatories must be filed with the Administration and a copy served upon the other party within ten (10)

days after service of the interrogatories unless objection is made to such interrogatories. In the case of objections, the answering party shall have ten (10) days after service of the interrogatories or five (5) days after the issuance of the hearing examiner's ruling, whichever is later, to file the interrogatories. The answers are to be signed by the person making them.

(3) *Rulings.* Within ten (10) days after the service of the written interrogatories, the parties served must file objections with the hearing examiner to the interrogatories or waive any objection thereto. The hearing examiner may, after a showing of good cause, limit or refuse to allow the interrogatories, in whole or in part, if he finds that the information called for would be privileged, irrelevant, or otherwise improper or that the requirement of a response would result in the unnecessary disclosure or publication of information contrary to the public interest or beyond the requirements of justice in a particular proceeding.

(c) *Subpoenas*—(1) *Subpoenas ad testificandum.* Application for issuance of a subpoena requiring a person to appear and depose or testify at the taking of a deposition or at a hearing, rehearing, or a hearing upon remand shall be made to the hearing examiner.

(2) *Subpoenas duces tecum.* (i) Application for issuance of a subpoena requiring a person to appear and depose or testify and to produce specified documents, papers, books, or other physical exhibits at the taking of a deposition, or at a prehearing conference, or at a hearing, rehearing, or hearing upon remand shall be made in writing to the hearing examiner and shall specify as exactly as possible the material to be reproduced, showing the general relevancy of the material and the reasonableness of the scope of the subpoena.

(ii) Subpoenas duces tecum may be used by any party for purposes of discovery of nonprivileged documents, papers, books, or other physical exhibits relevant for use in evidence, or for obtaining copies of such materials, or for both purposes.

(iii) Upon receipt of an application for subpoena duces tecum, the hearing examiner shall issue a notice of subpoena to the party or person to be deposed. Within ten (10) days after service of the notice of subpoena, the persons or parties served must file objections with the hearing examiner to the subpoenas or waive any objections thereto. The hearing examiner may, after a showing of good cause, refuse to issue a subpoena if he finds that the information called for would be privileged, irrelevant, or otherwise improper or that the issuance of a subpoena would result in the unnecessary disclosure or publication of information contrary to the public interest or beyond the requirements of justice in a particular proceeding.

(d) *Appeals.* Appeals from rulings given by a hearing examiner under the provisions of this part will be entertained by the Administration only upon a showing that the ruling complained of involved substantial rights and will materially affect the final decision, and that a determination of its correctness before conclusion of the hearing is essential to serve the interests of justice. Such appeals shall be made on the record and shall be in the form of a brief not to exceed thirty (30) pages in length and shall be filed within five (5) days after notice of the ruling complained of. Answer to any such appeal may be filed within five (5) days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Administration.

§ 17.56 Proposed findings, conclusions, and order.

At the close of the reception of evidence, or within a reasonable time thereafter, the hearing examiner will submit his proposed findings of fact, conclusions of law, and ruling or order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, shall contain adequate references to the record and authorities relied on, and shall constitute the hearing examiner's recommendations for the purposes of this part.

§ 17.57 Action by the Administration.

Upon receipt of the recommendations of the hearing examiner, the Administration will review the proceedings pursuant to § 17.7. Before a determination of finding of fact is made by the Administration, the parties shall be given an opportunity to submit, within thirty (30) days after the date of the submission of the hearing examiner's recommendations, for Administration consideration:

(a) Proposed findings and determinations; or

(b) Exceptions to the recommendations of the hearing examiner; and

(c) Supporting reasons for the exceptions or proposed findings or determinations.

Procedure for Investigations

§ 17.61 Generally.

An administrative investigation proceeding under § 17.31 may be held anywhere in the United States, at the discretion of the Administration.

§ 17.62 Conduct of proceedings.

The overriding requirement in the administrative investigation under § 17.31 will be fairness to all parties. The procedure will be informal, and all evidence which is not irrelevant, immaterial, or cumulative will be examined. The investigator shall have the power to use the provisions of § 17.56 to compel the presentation of information. An applicant or grantee may present written evidence and exhibits, at his discretion, but may not appear before the administrative investigation in person or by personal representative unless permitted by the investigator conducting the proceeding. The sole inquiry of the administrative investigation under § 17.31 will be whether or not to hold further administrative proceedings concerning the application or grant at issue.

Determinations and Findings of Fact

§ 17.71 Generally.

Any determination or finding of fact by the Administration shall constitute final action on the question. The recommendations of a hearing examiner or an investigator shall become determinations and findings of fact upon written acceptance, rejection, or modification by the Administration after review under the Administration's rules and regulations. Determinations and findings of fact may not, however, modify or abridge a party's right to any proceeding authorized by this part or by chapter 46 of title 42 of the U.S. Code.

§ 17.72 Finality of the proceedings.

Determinations and findings of fact made by the Administration shall be final and conclusive, if supported by substantial evidence, upon all applicants or grantees in a compliance hearing under § 17.32 or in an adjudicative hearing under § 17.33 (except that a subsequent hearing shall constitute a trial de novo on the facts) in a rehearing under § 17.34, or in a hearing under a petition for judicial review, except that the Administration may make new or modified findings or determinations pursuant to 42 U.S.C. Sec. 3759(b) upon remand from a court. Such new or modified findings or determinations, when filed in the remanding court, shall likewise be final and conclusive, if supported by substantial evidence.

§ 17.73 Limitation of the hearing examiner's authority.

A hearing examiner may reopen a proceeding at any time prior to his submission of recommendations to the Administration. After submission of his recommendations, the hearing examiner's jurisdiction is terminated, except for the correction of clerical errors. However, the Administration, at its own discretion, may remand a proceeding to a hearing examiner for further inquiry after the presentation of recommendations and before the making of determinations and findings of fact.

§ 17.80 Effect on other regulations.

Nothing in this procedure shall be deemed to supersede any provisions of Subparts B, C, and D of Part 42 of this title or any other regulation or instruction issued by the Department of Justice pursuant to 42 U.S.C. 2000d. However, to the extent there is no conflict with said provisions this section may be used as an aid in the conduct of any hearing under Subparts B, C, and D of Part 42 of this title.

[FR Doc.73-2272 Filed 2-6-73;8:45 am]

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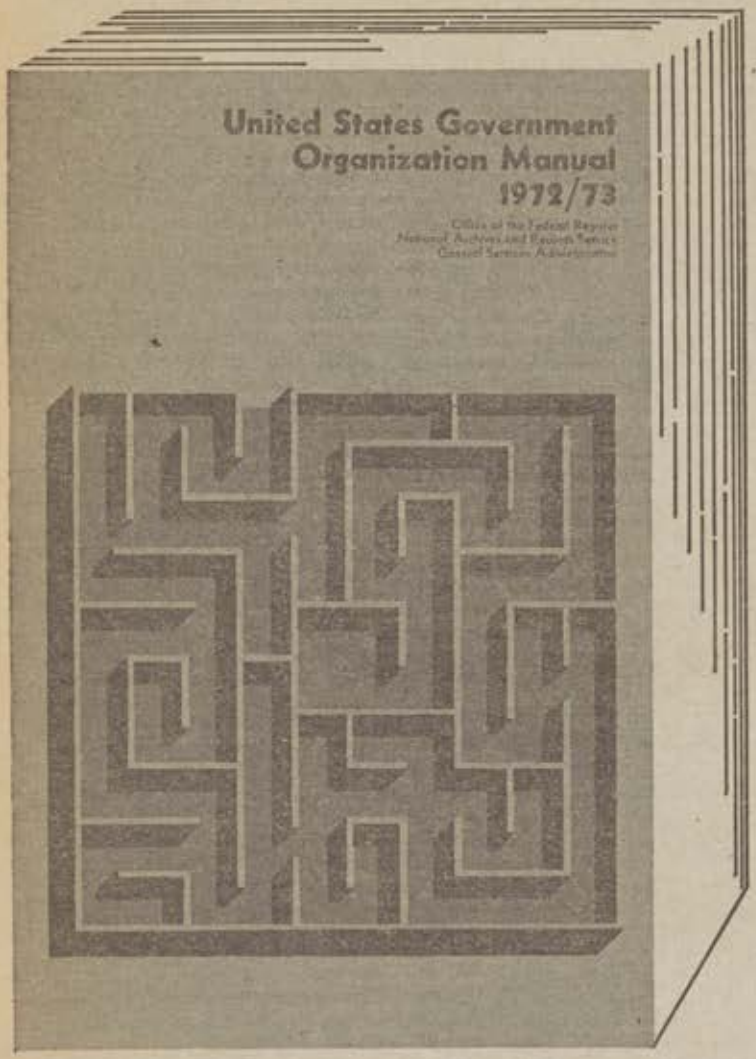

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