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HIGHLIGHTS OF THIS ISSUE

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

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CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SO-3]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Daytona Beach, Fla., control zone and transition area.

The Daytona Beach control zone is described in § 71.171 (38 FR 351) and the transition area is described in § 71.181 (38 F.R. 435). In the descriptions, reference is made to "Ormond Beach Municipal Airport" and to "Daytona Beach VORTAC." Since the name of the airport will be changed to "Municipal Airport" and the name of the VORTAC will be changed to "Ormond Beach," effective March 1, 1973, it is necessary to alter the descriptions to reflect these changes. Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

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) and § 71.181 (38 FR 435), the Daytona Beach, Fla., control zone and transition area are amended as follows:

"* * * Ormond Beach Municipal Airport * * *" is deleted and "* * * Municipal Airport, Ormond Beach, Fla. * * *" is substituted therefor, and "* * * Daytona Beach VORTAC * * *" is deleted and "* * * Ormond Beach VORTAC * * *" is substituted therefor.

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

Issued in East Point, Ga., on February 6, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-3211 Filed 2-20-73;8:45 am]

[Airspace Docket No. 72-NE-25]

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

Alteration of Control Zone and Transition Area

On page 889 of the FEDERAL REGISTER dated January 5, 1973, the Federal Aviation Administration published a notice of proposed rule making which would alter the Presque Isle, Maine, control zone and transition area.

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 regulations are hereby adopted effective 0901 G.m.t., April 26, 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 Burlington, Mass., on February 7, 1973.

W. E. CROSBY,
Deputy Director, New England Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Presque Isle, Maine, control zone in its entirety and insert the following in lieu thereof:

Within a 5-mile radius of Presque Isle, Maine, Municipal Airport (lat. 46°41'30" N., long., 68°02'30" W.); within 3.5 miles each side of the Presque Isle localizer zone to 10 tending from the 5-mile radius zone to 10 miles south of the LOM; within 2 miles each side of the Presque Isle VORTAC 158° radial extending from the 5-mile-radius zone to the Presque Isle VORTAC. This control zone is effective from 0800 to 2000 hours, local time, Sunday through Friday; 0800 to 1730 hours, local time, Saturday or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

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

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Presque Isle, Maine, Municipal Airport (lat. 46°41'30" N., long. 68°02'30" W.); within 3.5 miles east and 8 miles west of the Presque Isle localizer course extending from the 13-mile radius area to 11.5 miles south of the LOM; within 3.5 miles east and 8 miles west of the Presque Isle VORTAC 338° radial extending from the 13-mile radius area to 11.5 miles north of the VORTAC; within an 8.5 mile radius of Caribou, Maine, Municipal Airport (lat. 46°52'20" N., long. 68°01'10" W.); within a 10-mile radius of Loring AFB (lat. 46°57'05" N., long 67°53'10" W.); Limestone, Maine; excluding that portion outside of the United States.

That airspace extending upward from 1200 feet above the surface within a 40-mile radius of Loring AFB (lat. 46°57'05" N., long. 67°-53'10" W.) Limestone, Maine, excluding that portion outside of the United States.

[FR Doc.73-3209 Filed 2-20-73;8:45 am]

[Airspace Docket No. 73-GL-6]

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

Amendment of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the Wisconsin Rapids, Wis., transition area.

The 1,200-foot transition area designated under Wisconsin Rapids is also designated under the State of Wisconsin. To delete the dual designation, we recommend Part 71 be amended by final rule. Since this amendment imposes no additional burden on any person, therefore notice and public procedure hereon are unnecessary.

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

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

WISCONSIN RAPIDS, WIS.

Delete all after "Stevens Point, Wi., transition area".

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

Issued in Des Plaines, Ill., on January 26, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.73-3208 Filed 2-20-73;8:45 am]

[Airspace Docket No. 72-NE-26]

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

Alteration of Transition Area

On page 889 of the FEDERAL REGISTER dated January 5, 1973, the Federal Aviation Administration published a notice of proposed rule making which would designate a Biddeford, Maine, 700-foot transition area.

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 regulations are hereby adopted effective 0901 G.m.t., April 26, 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 Burlington, Mass., on February 7, 1973.

W. E. CROSBY,
Deputy Director,
New England Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Biddeford, Maine, 700-foot transition area described as follows:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Biddeford, Maine, Airport (lat. 43°27'55" N., long. 70°28'25" W.) extending clockwise from the 270° bearing to "the 180° bearing; within a 10-mile radius extending from the 180° bearing clockwise to the 270° bearing excluding that airspace previously designated as the Sanford, Maine, 700-foot transition area.

[FR Doc.73-3210 Filed 2-20-73;8:45 am]

[Airspace Docket No. 72-SO-131]

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

Designation of Transition Area

On December 27, 1972, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (37 FR 28521), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Bennettsville, S.C., transition area.

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

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

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

BENNETTSVILLE, S.C.

That airport extending upward from 700 feet above the surface within a 6.5-mile radius of Bennettsville Airport (latitude 34° 37'45" N., longtitude 79°43'57" W.).

(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 East Point, Ga., on February 6, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-3212 Filed 2-20-73;8:45 am]

[Airspace Docket No. 73-SO-1]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of RNAV Route

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to realign RNAV Route J874R between Memphis, Tenn., and Rome, Ga. J874R is presently established between Whitehaven, Tenn., and Rome. This will move the centerline southward a maximum distance of 6 miles. Alteration of the route alignment will eliminate an unnecessary waypoint without substantially changing the route structure.

Since this amendment is minor in nature, and one in which members of the public are not particularly interested, notice and public procedure thereon are unnecessary. However, since sufficient time must be allowed to make appropriate changes on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 26, 1973, as hereinafter set forth.

Section 75.400 (38 FR 700 and 37 FR 22974) is amended as follows:

In J874R delete "Whitehaven, Tenn., 35°03'00" N., 89°59'00" W. Greenwood, Miss.," and substitute therefor "Memphis, Tenn., 34°56'34" N. 89°57'35" W., Walnut Ridge, Ark."

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

Issued in Washington, D.C., on February 13, 1973.

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

[FR Doc.73-3213; Filed 2-20-73;8:45 am]

Title 21—Food and Drugs

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

[Docket No. FDC-80]

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Parmesan Cheese, Reggiano Cheese

STANDARD OF IDENTITY; FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER FOLLOWING PUBLIC HEARING

In the matter of amending the standards of identity for parmesan (Reggiano) cheese:

History. 1. On April 24, 1970, there was published in the FEDERAL REGISTER (35 FR 6595), a notice of the receipt by the Food and Drug Administration of a petition from Tolibia Cheese, Inc., 919 North Michigan Avenue, Chicago, IL 60611 (hereinafter Tolibia), proposing that the standard of identity for parmesan (Reggiano) cheese (21 CFR 19.595) be amended to reduce the minimum curing time from 14 to 10 months, by changing the last sentence of § 19.595(a) from "It is cured for not less than 14 months" to "It is cured for not less than 10 months." This notice set forth the stated grounds in support of the proposal and invited the submission of written views thereon, pursuant to provisions of sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341, 371; hereinafter the act). (Ex. A, A-1, B.) [1]

2. In the FEDERAL REGISTER of January 23, 1971 (36 FR 1153), the Food and Drug Administration published an order denying the proposed amendment on the stated ground that "* * * the Commissioner of Food and Drugs does not conclude that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed amendment." This order was to become effective in 60 days unless stayed by objection. (Ex. C.)

3. On April 21, 1971, the Food and Drug Administration caused to be published in the FEDERAL REGISTER (36 FR 7535) a notice of the receipt of objection to the above order and a request for a hearing from the petitioner, Tolibia. It noted that the proposed order was stayed and that a notice scheduling a public hearing—

"* * * on the issue of whether parmesan cheese can be satisfactorily cured in 10 months' time will be published in the FEDERAL REGISTER at a later date. (Ex. D.)"

4. On May 25, 1971, the Food and Drug Administration caused to be published in the FEDERAL REGISTER (36 FR 9477) a notice scheduling a prehearing conference and the hearing in this matter: "* * * for the purpose of receiving evidence relevant and material to the issue of whether reducing the minimum curing time required by the standard of identity for parmesan cheese (§ 19.595) from 14 to 10 months is reasonable and will promote honesty and fair dealing in the interest of consumers."

Mr. William E. Brennan was designated as the presiding officer to conduct this hearing in accordance with provisions of 21 CFR 2.48 through 2.104. (Ex. E.)

5. The prehearing conference was held as scheduled and for good cause, as reflected in the transcript of this conference, the hearing date previously set for June 28, 1971, was vacated and a new hearing schedule was established which included dates for the submission of written direct testimony of all witnesses, objections thereto, oral argument on such objections, and the appearances of witnesses for cross-examination. Pursuant to 21 CFR 2.76, the results of this prehearing conference were set forth in

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[1] References hereinafter are as follows:
PH. TR. 1—Page 1 of the transcript of the prehearing conference.
TR. 1—P. 1 of the transcript of the hearing.
WD-name—The written direct testimony of of the named witness.
Ex. P-1—Exhibit No. 1 received into evidence upon motion by petitioner, Tolibia.
Ex. K-1—Exhibit No. 1 received into evidence upon motion of Kraft.
Ex. O-1—Exhibit No. 1 received into evidence upon motion by an objector to the proposal.
Ex. A—Exhibits entered into evidence by the hearing examiner.
R. p. 1—That document indexed No. 1 in Docket File FDC-80.

a prehearing conference order dated June 24, 1971. Copies thereof were mailed to all parties of record and this order was entered in the docket file of this matter. Notice of these events was published in the FEDERAL REGISTER of July 13, 1971 (36 FR 13050). (Ex. F; Ph. Tr. 1–120; R. p. 59.) During the prehearing conference, the following issues were finalized:

1. Is the food prepared in conformity with the requirements of the standard of identity for parmesan (Reggiano) cheese (21 CFR 19.595), but which is cured for a period of not less than 10 months rather than the presently required 14 months, parmesan (Reggiano) cheese?

2. If issue No. 1 is answered in the affirmative, will it promote honesty and fair dealing in the interest of consumers to amend the standard of identity for parmesan (Reggiano) cheese (21 CFR 19.595), to permit the cheese to be cured for a period of not less than 10 months? (R. p. 59.)

The following appearances were entered in this matter:

Supporting the proposed amendment:

Tolibia Cheese, Inc. (Tolibia), Chicago, Ill.
The Kraft Foods Division of Kraftco Corp. (Kraft), Chicago, Ill.

Objecting to the proposed amendment:

Universal Foods Corp. (Universal), Milwaukee, Wis.
Frigo Cheese Corp. (Frigo), Lena, Wis.

Taking no position in relation to the proposed amendment—

Borden, Inc. (Borden), New York, N.Y.
The Food and Drug Administration.

6. Pursuant to the procedure set forth in the prehearing conference order, Tolibia submitted the written direct testimony of three witnesses as did Kraft. The written direct testimony of five witnesses was submitted by Universal. All of these witnesses attended the hearing, formally affirmed their written direct testimony as altered by rulings on objections thereto, and were subject to cross-examination by the counsel of record. In lieu of testimony, an affidavit of Mr. Peter Frigo opposing the amendment was admitted into evidence as Exhibit 0–1. (T.R. 909.) Neither Borden, Inc., nor the Food and Drug Administration presented any evidence.

7. With the agreement of all parties to the hearing, a group of five individuals were convened on October 14, 1971, at the University of Wisconsin, Madison, Wis., as a taste panel to organoleptically evaluate samples of parmesan cheese at varying ages, a hard-grating cheese, and an imported cheese. The parties selected and agreed upon the five judges as individuals who were acknowledged experts in the organoleptic evaluation of parmesan cheese, and also mutually agreed upon the professor who was to conduct, monitor, and report the results of this taste panel. This organoleptic test was conducted in a so-called "blind" fashion, in that the identity of the samples being tested were not known to these judges. The results of this taste panel were admitted into evidence as Exhibit G. The samples used in the organoleptic panel were also analyzed for fat, moisture, and salt content under the direction of the taste panel moderator, and the results thereof admitted into evidence as Exhibit H.

8. Proposed findings of fact, conclusions, briefs, and reply briefs were submitted by counsel on behalf of Tolibia, Kraft, Universal, Frigo, and Borden. All proposed findings and conclusions as submitted have been individually considered and weighed. Those findings and conclusions herein adopted, in substance and/or form, are so adopted and found to be supported by the substantial, creditable, and reliable evidence of this record. Those findings and conclusions not adopted have been rejected as not being so supported (21 U.S.C. 371(e)(3)).

9. It is the basic position of Tolibia and Kraft, that since the original promulgation of the parmesan (Reggiano) cheese standard in 1950 (15 FR 5656), manufacturing knowledge, technology, and practices have changed sufficiently to allow parmesan cheese to now be properly manufactured with a 10-month curing period rather than the required 14 months, and that it will promote honesty and fair dealing in the interest of consumers to amend this standard to allow the shorter curing period.

10. The objectors, Universal and Frigo, take the position that there really has been no such significant changes in the knowledge, technology, and practices within the cheese industry, that a cheese to be classified as parmesan (Reggiano) cheese must continue to be cured for 14 months, and consequently the proposed amendment should be denied. (See briefs filed by Kraft, Tolibia, Universal, and Frigo.)

11. On January 31, 1972, the hearing examiner, Mr. William E. Brennan, submitted his report in this matter to the Commissioner of Food and Drugs. The report is part of the public record, Docket No. FDC–80, on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852.

12. Having considered the record of the public hearing, the hearing examiner's report dated June 25, 1970, and other relevant material, the Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919, and 72 Stat. 948; 21 U.S.C. 341, 371), and under authority delegated to him (21 CFR 2.120), and in accordance with 21 CFR 2.97, published proposed findings of fact and conclusions, and a tentative order in this matter in the FEDERAL REGISTER of August 5, 1972 (37 FR 15875).

Inasmuch as no exceptions to the tentative order were filed, the following findings of fact, conclusions and final order are issued in accordance with 21 CFR 2.98:

Findings of fact. 1. The standard of identity for parmesan (Reggiano) cheese (21 CFR 19.595) was first promulgated in 1950 (15 FR 5656) after hearings held during 1947, which dealt with a large number and variety of cheeses, including parmesan. Due to the large number of cheeses which was the subject matter of the 1947 hearing, and perhaps to the noncontroversial nature of the then proposed parmesan standard,[2] the evidence adduced at the 1947 hearing relating to parmesan was not extensive. Of over 5,500 transcript pages resulting from this hearing, approximately 60 were devoted to parmesan, which set forth the testimony of five witnesses (1947 hearing transcript pp. 3717–3728, 3901, 3956, 5344).

The relevant provisions of the parmesan standard here involved are as follows:

§ 19.595. *Parmesan cheese, Reggiano cheese; identity; label statement of optional ingredients.* (a) Parmesan cheese, Reggiano cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by a granular texture and a hard and brittle rind. It grates readily. It contains not more than 32 percent of moisture, and its solids contain not less than 32 percent of milkfat, as determined by the methods prescribed in § 19.500 (c). It is cured for not less than 14 months.

* * * * *

2. Parmesan cheese (hereinafter parmesan) made in conformity with the requirements of the definition and standard of identity for this cheese, has the following characteristics:

(a) *Flavor.* The flavor of parmesan varies within a significant range but is generally considered to have a sweet, mellow, nutlike taste in comparison to the characteristic piccante, sharp, fatty acid flavor associated with Romano cheese. The variations in flavor are caused by fluctuations in the milk supplies, milk treatment, enzymes and starters utilized, acid development, method and amount of salt utilized, and other variables in the making and curing procedures. These procedures also vary among parmesan producers. (WD—Stine pp. 19, 20; WD—Langhus pp. 12, 13, 18; WD—Klenach pp. 8, 12; WD—O'Flynn p. 4; Tr. 347, 859–60, 889–890, 894, 937, 968, 975–78; Exs. G, P–1.)

(b) *Colors.* The color of parmesan cheese also varies to a significant degree, ranging from slightly off-whites to yellows that are approximately the color of straw. Although "Harmless artificial coloring may be added" under the standard (21 CFR 19.595(b)), there is no evidence that such coloring is being added by the participants in this hearing. (WD—F. Klensch p. 11, WD—Stine p. 19; WD—Langhus pp. 12, 15; Tr. 346, 347, 407, 1056, 1063–1067, 1135, 1143–1145; Exs. P–1, G, K–8.)

(c) *Body and texture.* Parmesan is characteristically hard, brittle, grates readily, and has a granular texture. The

[2] This hearing was held prior to the Hale amendments to the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321 et seq.).

body of this cheese may have varying numbers and sizes of mechanical openings. The body and texture characteristics of this cheese also vary. (WD—F. Klensch pp. 11, 12; WD—Stine pp. 19–20; WD—Langhus, pp. 12, 13; Tr. 392, 393, 544, 896, 968–69, 1014, 1080; Exs. G, P–1, O–1, O–2.)

3. The moisture of parmesan varies from approximately 32 to 26 percent, and the milk-fat varies from 32 percent up to approximately 40 percent. The levels of salt also vary from approximately 1.39 to 3.25 percent. (WD–Stine p. 20; WD—F. Klensch p. 11; Tr. 608, 613–614, 1275, 1333, 1443, 1487; Exs. H, K–8, K–9, K–13.)

4. The only method presently available to determine if a cheese is parmesan, is an organoleptic examination of the physical characteristics of flavor, color, body, and texture coupled with laboratory analysis to determine fat and moisture content. Except for these laboratory analyses, which produce objective results, the results of organoleptic examinations vary considerably due to the variations in parmesan cheese, and the experience and abilities of the taster. This type of examination is generally adequate to enable experienced cheese tasters to determine if a given cheese is parmesan cheese. (WD—Stine pp. 17–18; WD—Langhus p. 29; Tr. 428, 889, 966, 982–984, 989, 1055–1056, 1094–1096, 1124, 1127–1128, 1131, 1501–1502, 1457, 1499, 1463–1464; Exs. G, H, K–8, K–9, K–11, K–13.)

5. Parmesan (Reggiano) cheese originated in the provinces of Reggio and Parma in the Po Valley of northern Italy and derived their names from these geographic origins. The following elements characterized the traditional making procedures as followed in Italy. It was manufactured mostly during the months between April and November utilizing evening, raw, hand-skimmed cows' milk, which was more intense in color and flavor than milk produced during the other months of the year. Whey starters were used and the curd was hand dipped from kettles and pressed into large wheel-shaped loaves averaging about 60 pounds. Each loaf was dried from 2 to 3 days, and was then either dry salted or immersed in brine solution for a period of from 15 to 30 days. The loaves were then dried, coated with a mixture of either linseed or mineral oil and vegetable black powder and later grease, and then held for curing in relatively large central curing facilities. The loaves were placed on their flat sides and periodically turned to prevent or retard mold development. Curing of the cheese generally took from 16 months to 2 years during which period the moisture content decreased and the typical granular structure appeared. The temperatures and humidity of the curing rooms were not mechanically controlled, and were dependent on the outside, seasonal weather conditions. (WD—Klensch pp. 7, 8; WD—Langhus pp. 11, 14, 20, 22, 23; WD—Stine pp. 9, 10, 12, 16; Tr. 9, 10, 551, 556, 570, 975, 1013–1016, 1033–1034, 1063, 1066, 1135, 1138, 1142, 1370–1377; Exs. O–2, P–1.)

6. There have been gradual and continuing refinements and changes in the manufacturing procedures for parmesan cheese since its manufacture was first initiated in this country. Up to the time that the parmesan standard was promulgated in 1950, the manufacturing procedures generally followed in this country were based upon, and similar to, the traditional Italian methods but incorporated the following changes: (a) The cheese was manufactured, by some producers, on a less seasonal basis using milk which had been pasteurized or heat treated and from which cream had been mechanically separated; (b) various starters in addition to whey starters were beginning to be utilized; (c) the size of the cheeses were generally in the 22- to 28-pound range and temperature control of the curing stages of production were becoming more controlled through the use of the then available mechanical refrigeration equipment and air fans; and (d) the cheeses were more frequently receiving a wax coating than oil or grease coatings. (WD—Nelli p. 4; WD—Cassinerio p. 7; WD—Dee p. 6; WD—Stine pp. 12, 16; DW—F. Klensch pp. 7–9, 13, 19–20; Tr. 290–293, 340–342, 565–567, 578, 611, 923, 987–989, 1070–1075, 1137, 1143, 1418–1420, 1428, 1450, 1453–1454, 1476–1477.)

7. Since 1950, considerable research and experimentation have been conducted, at least by Tolibia and Kraft, aimed at increasing the efficiency of producing parmesan cheese, reducing the costs of manufacture, and attempting to stabilize the varying characteristics of this cheese to produce a more standard, less variable product (WD—Stine pp. 12–18; WD—Langhus pp. 20–24; WD—Dee pp. 5–8; WD—F. Klensch pp. 8–15; Tr. 1127, 1378–1381, 1411–1418, 1476–1480). This experimentation and research has resulted in the following refinements and changes in the manufacturing procedures:

(a) The quality of the milk available for the manufacture of parmesan cheese has been improved and standardized through more stringent laws, testing, and producer education programs. These milk quality improvement developments provide the manufacturer of parmesan cheese better control over his production, has made feasible the development of expanding starter programs, and increases the range of curing temperatures which might otherwise cause unacceptable defects in the finished cheese. (WD—F. Klensch p. 13; Tr. 567, 988, 1389–1390, 1395–1401, 1417–1418, 1477–1480.)

(b) Parmesan producers have substantially changed and improved the various starters used in the production of parmesan cheese, and these modifications and improvements are part of a continual improvement process. The existence of undesirable levels of gas formation caused by starters has been nearly eliminated through these starter improvement programs. (WD—Dee p. 5–6; WD—F. Klensch pp. 8, 13; WD—Langhus pp. 8, 18; WD—Stine pp. 14, 16; Tr. 290–293, 565, 611, 1428, 1476–1477.)

(c) The equipment used to cut the parmesan curd has been improved and mechanized. The size of the curd particles has been studied and changed. (Tr. 916, 923–924, 1420–1421.)

(d) Changes have been instituted in the temperatures and times of cooking the curd. The smaller 22- to 28-pound loaf permits lower cooking temperatures than those in use when the 60-pound loaf predominated. (WD—Langhus p. 10; Tr. 924–925, 986–987, 1420–1482.)

(e) Research and experimentation have been done to arrive at an optimum pH figure determined at the most functional point in the manufacturing process. (Tr. 986, 989, 1485–1486.)

(f) The vats used in manufacturing parmesan have increased in size so that they are suitable for producing more than this one type of cheese. The methods used to transfer the cooked curd from the vats to drain tables have changed. Some producers now pump the curd and whey directly from the vat to the drain table, while other producers drain the whey from the vats rather than dipping the curd from the vats. (Tr. 583, 916, 987, 1294–1299, 1420–1421.)

(g) The drained curd may now be directly salted on the drain table at predetermined control levels. The curd is then mechanically handled for hoop procedures by some manufacturers. The handling of the cheese in the hoop has changed in that some manufacturers may utilize a vacuum, in part, to produce a more uniform consistency in the body of the cheese from that obtained when only mechanical pressing procedures are utilized. (WD—Langhus p. 26 Tr. 544–545, 577–578, 583, 587–589, 603–608, 800–801, 916–918, 935–936, 968–973, 987, 1475.)

(h) The domestic parmesan industry now almost universally utilizes the daisy hoop holding from 22 to 28 pounds of cheese. The use of this standard hoop size has resulted in other changes in the production process; i.e., alterations in cooking temperatures, reductions in curd cooking time, pressing time, salting time, salt equalization time, and drying time. (WD—Stine pp. 9, 12, 15; WD—F. Klensch pp. 7, 9; WD—Langhus p. 10, 21; Tr. 290–291, 298, 300–303, 537–538, 540, 572–573, 584–585, 917–918, 924–925, 986–987, 1142, 1420, 1439–1440, 1442, 1482, Ex. O–2.)

(i) Significant changes have been made in salting techniques; i.e., adding salt directly to the curd. Dry salting has generally been abandoned in favor of brine salting, and the optimum brine temperatures are more scientifically determined and controlled. Continuous mechanical brine agitation has also been introduced. (WD—Dee p. 6; WD—Stine pp. 9, 15; WD—Langhus p. 21; Tr. 295, 560, 569–571, 800–801, 916–918, 919, 925, 935–936, 945–946, 1071, 1387.)

(j) Substantial reductions in the time periods necessary for salt equalization and drying of curd have been affected through the utilization of smaller loaves,

storage of the loaves on edge rather than on the flat surface, and the utilization of improved air treatment and air circulation equipment. (WD—Langhus pp. 21–23; WD—Stine p. 16; WD—Dee p. 22; Tr. 319–323, 549, 557; Ex. K–1.)

(k) Significant improvements and changes have been made in the methods used to control the rate and amount of moisture loss from parmesan cheese during the curing period. Most manufacturers use some type of protection in curing cheese to reduce surface defects, and to prevent too rapid drying which results in slower flavor development and thus a slower total curing period, but not all manufacturers apply such a protective coating. The older practice of greasing or oiling the curd has been supplanted with the practice of coating the curd with wax. Tolibia, since 1966, has been curing parmesan cheese in plastic film bags which are vacuumized and shrunk so as to form an airtight surface around the cheese. This technique is very new and provides an effective moisture barrier allowing greater control over moisture loss, rind development, and development of mold and other surface defects. This technique allows higher curing temperatures to be used, which results in a shorter necessary curing period within which the typical characteristics of parmesan cheese are developed. (WD—F. Klensch p. 14; WD—Dee p. 6, 7; WD—Nelli p. 4; Tr. 306–308, 316–317, 331, 395–397, 442–445, 456–457, 468–469, 551, 970–971, 1088, 1127, 1454, 1487, 1491–1492.)

(l) Important improvements have been made since the late 1940's in the control of temperature, humidity, and air circulation utilized during the curing period. These added controls have been possible as a result of research and experimentation and the availability of more efficient air-conditioning, refrigeration, humidity control, and air-circulating equipment. Through the use of this type of equipment the curing environment has become more closely controlled and stabilized resulting in a significant reduction in the minimum time necessary for curing parmesan cheese. (WD—Dee pp. 6, 22; WD—Langhus pp. 21–24; WD—Stine pp. 9–10, 14, 16, 17; WD—F. Klensch p. 14; Tr. 274, 313, 319–323, 329–331, 557, 559, 564–565, 579, 610, 612, 925–927, 985–986, 1074–1075, 1125–1126, 1450, 1453–1454, 1488–1489, 1506–1507.)

8. Through utilization of the changes in and refinements of the older, more traditional manufacturing procedures set forth in Finding 7, supra, a cheese conforming to the parmesan standard, but for the 14-month curing period, can presently be produced with a curing period of not less than 10 months. Such a cheese is presently being produced regularly under full production conditions by at least Tolibia and Kraft. This cheese is being produced with no material increase in the percentage of defective or low-quality loaves, and possesses the characteristic flavor, texture, body, grate-ability, fat, and moisture content within the existing ranges of parmesan currently on the market. (WD—Stine pp. 16–18, 20–23; WD—Dee pp. 5–9; WD—F. Klensch pp. 9–10, 16–17, 27; WD—Langhus pp. 11, 19, 26, 27; WD—R. Klensch p. 8; Tr. 315, 346, 348–350, 388–389, 455, 463–465, 504–505, 581–582, 822, 872–873, 937, 945, 947–948, 950, 976–977, 998–999; Ex. H. Ex. G.)

9. The exact manufacturing methods utilized by Tolibia and Kraft in the production of the parmesan cheese described in Finding 8, supra, are not identical; i.e., Tolibia uses plastic bags (WD—Dee p. 6); Kraft does not use plastic bags (Tr. 552), but does use wax in its curing operation (Tr. 551); Kraft adds salt directly to its curd (Tr. 916–918); Kraft utilizes a curing temperature in the neighborhood of 60° F. (WD—Langhus p. 25); Tolibia's curing temperature is above 60° F. (Tr. 310). No patents are involved in the more modern manufacturing procedures followed by Tolibia and Kraft which would preclude other manufacturers from producing typical parmesan cheese having a curing period of 10 months. (WD—Stine p. 26; WD—F. Klensch p. 27; WD—Dee p. 10; Tr. 445–446.)

10. Tolibia's utilization of a higher than previously normal curing temperature, in excess of 60° F., has been made possible by a combination of the use of improved starter cultures, plastic bags in curing, newer, more efficient and controlled curing facilities, and better control of brining procedures. This higher curing temperature has not resulted in defects previously attributed to "forced" curing temperatures; i.e., temperatures in excess of 60° F. (WD—Dee p. 6; WD—F. Klensch pp. 9, 14; Tr. 308, 310, 313, 315, 329–331.)

11. Through the utilization of adequate scientific research and experimentation, the adoption of presently available modern manufacturing procedures, and the acquisition of modern equipment, any knowledgeable producer who so desires can produce parmesan cheese, conforming to the parmesan standard with the shorter curing period of 10 months. (WD—Dee p. 10; WD—F. Klensch p. 27; WD—Nelli p. 3; Tr. 1091–1092, 1114, 1127, 1140–1141, 1238–1239, 1379–1383, 1401–1405, 1457, 1465, 1476, 1499.)

12. Tolibia and Kraft, the two major producers of parmesan cheese with a 10-month curing period, store this cheese at 35° F. from approximately 10 months to purposely arrest further curing. Frequent and regular organoleptic tests by trained inhouse cheese tasters have established the similarity of this cheese at 10 months on, and at 14 months. (WD—Stine pp. 13–14, 17, 18, 22; WD—Langhus pp. 11, 15, 25, 27; WD—F. Klensch pp. 6, 15, 16, 17; WD—Dee pp. 3, 5, 9; Tr. 274–288, 312, 328–329, 346, 348–350, 388–389, 443–444, 452–453, 504–505, 872–873, 888, 945, 947–948, 967, 976–977, 979, 982–984, 989; Ex. G, Ex. H.)

13. Pursuant to the agreement of all participants in this hearing, a panel of five acknowledged experts in the grading and evaluating of parmesan cheese was convened at the University of Wisconsin at Madison, Wis., on October 14, 1971, under the direction and supervision of a mutually selected, objective moderator. Various samples of parmesan cheese were supplied by the parties, collected by Food and Drug Administration inspectors, and cured for periods ranging from 7 to 19 months, together with one imported parmesan cheese of unkown age and one hard grating cheese, which were intended to provide a control, were prepared for the panel under the supervision of the moderator so the identity and source of the sample would be unknown to the panelists. Each judge was asked to individually identify each sample as parmesan or any other type of cheese, and to state his observations as to the color (a color chart was given each judge), flavor, texture, odor, and body of each sample and to note any other identifying characteristic he so desired. The individual score sheets of the judges, each of whom evaluated 20 samples, and a tabulation of the results prepared by the moderator was admitted into evidence as Exhibit G. Thereafter portions of these samples were analyzed by an independent laboratory for fat, moisture, and salt content. These analyses were conducted pursuant to widely recognized procedures which produced reliable results. The results of these analyses were admitted into evidence as Exhibit H.

14. The results of this taste panel and the laboratory analyses, although susceptible to various interpretations and extrapolations (see proponents' brief and Appendix A, and objectors' brief, pp. 54–59), do conclusively establish the wide range of organoleptic characteristics associated with parmesan cheese by experts. The flavor characteristics were described by the judges in the following terms: Full, sweet, nutty, mild, slight acid, peppery, mild to sharp, slightly fruity, slightly salty, slightly high salt, slightly rancid, intense, fruity, and woody. The range of colors ascribed to the samples by the judges, using the color chart supplied, varies widely. The significance of this characteristic, however, is minimal due to the fact that the milk may be bleached or artificially colored under the present standard. The texture characteristics were described in the following terms: Pinholes, close, typical, mechanical openings, brittle, granular, flecked, mealy, good, mottled, and short. The following terms were used by the judges to describe the odor of cheese they classed as parmesan: Nutty, characteristic, normal, typical, acceptable, woody, fruity, slightly rancid, favorable, good, clean, poor, not normal, unclean. With one exception, the cheese classified as parmesan by the judges complied with the 32-percent minimum milk fat content that is required by the standard. The majority of these samples complied with the maximum moisture level of 32 percent, ranging from 26.38 to 33.18 percent, while seven out of 30 samples were slightly above 32 percent. Salt levels varied from a low of 1.38 percent to a high of 3.29 percent, with the imported sample having the lowest average level. The standard requirements of milk fat and moisture content were met by all 10-month cheese sampled, with only two minor exceptions out of the 16

analyzed samples. These test results closely correlate with parmesan aged 14 months or older and samples cured for a period of 10 months were classified as parmesan by the judges with a nine out of 15 sample majority in the trials. The test results were equal to or better than some samples which had been cured for periods ranging from 11 to 19 months, while samples aged 7 or 8 months were easily detected by the judges as not typically parmesan. Although these tests were not conclusive, the results, coupled with the other substantial evidence of record, established the fact that parmesan cheese, having the color, flavor, texture, odor, and body characteristics within the variable range found in parmesan cheese cured for 14 or more months, is being produced with a 10-month curing period. The test results also establish that a minimum 10-month curing period is reasonable, and that any shorter curing period will not produce a cheese having the organoleptic characteristics of parmesan cheese. (Ex. G, Ex. H.)

15. Parmesan cheese reaches the ultimate consumer in four basic forms: As a chunk or piece usually cut from larger pieces by local retailers, and sold directly to the consumer, in grated form, in shredded form, or as an ingredient of another food.

16. Industrial food manufacturers utilize large quantities of parmesan either produced by themselves or others. These firms include parmesan cheese, usually in grated form, as one ingredient in their manufactured foods, which are then distributed to consumers primarily as ethnic or Italian-style foods. The sales volume of such ethnic or Italian-style foods has been increasing in recent years, while as an ingredient in such manufactured food, the parmesan is no longer physically or chemically identifiable as a standardized food. (WD—Langhus p. 26; Tr. 1052–1054, 1179–1183, 1219, 1543.)

17. Significant quantities of parmesan are also used by institutional food processors including various types of mass feeding operations. These users purchase parmesan either in loaves for grating or in the grated, dehydrated form, for incorporation in foods that are usually eaten on the premise where they were prepared. (Tr. 378–381, 450–451, 465–466, 1054, 1057–1060, 1166, 1182–1183.)

18. Those consumers who purchase chunks or pieces of parmesan cheese are for the most part so-called ethnic consumers of Italian extraction, and/or gourmet consumers. These individuals prefer to either freshly grate the cheese in their homes or to consume this food as a table cheese. While these consumers are very knowledgeable and selective buyers of parmesan cheese the ethnic consumers, a relatively small number of the population, are decreasing in numbers, and the gourmet consumer group is relatively small in numbers. (Tr. 1068–1069, 1173–1174, 1545–1546, 1606, 1612.)

19. Except for the extremely small quantity of parmesan consumed as table cheese, virtually all parmesan is grated before it is consumed in this country, and most of the parmesan cheese purchased by individual consumers at retail, is already in the grated, dehydrated, and packaged form, with some purchased in the higher moisture, packaged shredded form. The trend in the last 30 years has been away from the retail sale of loaf or chunk parmesan cheese and toward the grated and shredded form.

20. Grated and dehydrated parmesan is more stable and less varied in organoleptic characteristics than loaf parmesan due to decreased moisture and the blending of various vats of parmesan in the grating process. There were approximately 30 million pounds of parmesan cheese consumed in this country in 1970. (WD—Stine p. 20; WD—F. Klensch p. 16; WD—Langhus p. 26; WD—Cassinerio p. 6; Tr. 389–390, 397, 409, 411–412, 448–451, 456, 465–466, 475, 539–540, 838–839, 1010–1011, 1069, 1184–1185, 1213–1214, 1599.)

21. Ethnic and gourmet consumers judge the quality of parmesan, in part from the physical appearance of the loaf or wheel from which their individual chunk is taken, and in part by the organoleptic properties of the cheese itself. Thus, parmesan directed to this market must be of premium quality as to loaf appearance and organoleptic qualities and such cheese commands a premium price. (WD—O'Flynn p. 2; Tr. 409–410, 463, 1068, 1175–1176, 1185–1186, 1599.)

22. All other consumers judge the quality of parmesan by its flavor and grateability, while industrial and institutional users also consider cleaning losses as part of quality. Loaves of parmesan cheese having exterior physical defects, are purchased at a discount because of the need to lose some of the cheese in the cleaning process. A cleaned parmesan loaf possessing the proper physical and organoleptic qualities, is perfectly acceptable for grating or shredding use, and cleaned parmesan loaves, conforming to the requirements of the parmesan standard, have been widely used to produce the grated product. Industrial and institutional users frequently blend parmesan from different batches and vats to produce a more standard flavor. (WD—O'Flynn p. 2; WD—Cassinerio p. 8; WD—Langhus p. 32; Tr. 409–410, 463, 838–842, 897–898, 936–938, 984–985, 996–998, 1068, 1110–1112, 1175–1176, 1185–1186, 1214–1220, 1229, 1553–1554, 1599.)

23. The following benefits would accrue to producers and consumers with the adoption of the proposed amendment:

(a) For some years, substantial quantities of parmesan cheese, having the flavor and texture deemed acceptable by manufacturers based on customer preference, has been produced with a 10-month cure period. The need to hold such cheese for an additional 4-month period to conform to the parmesan standard results in additional flavor and curing changes that are minimized by low storage temperatures, but remain inevitable and undesirable. The adoption of the 10-month curing period would permit manufacturers to market parmesan cheese with the slightly milder flavor preferred by the majority of consumers, and would also tend to reduce the present wide variations in flavor. (WD—Langhus pp. 18–19, 25; WD—Stine pp. 26, 30, 41; WD—F. Klensch p. 31; Tr. 266–267, 449–450, 546, 837–893, 892–893, 967, 975, 978–979, 983, 985, 1598.

(b) The changes and improvements in manufacturing procedures over the past 25 years have made possible increased mechanization of the production and curing steps of parmesan cheese manufacturing that have created production cost savings. The improved production procedures have reduced the number of defective parmesan loaves and consequently increased productivity and further production cost savings. (WD—Langhus p. 22; WD—Stine pp. 16–17; WD—F. Klensch pp. 8–10, 13, 14; WD—Dee pp. 6–7; Tr. 290–293, 315, 465, 549, 582–583, 916, 187.)

(c) A 4-month reduction in necessary curing time would save the added costs of warehousing or cold storage for that period. These costs have been carefully estimated at approximately 0.2 cents per pound of parmesan. Furthermore, the saving of interest on capital invested for 4 months in stored cheese has been estimated to be approximately 2 cents per pound of parmesan produced. (WD—Dee p. 11; WD—R. Klensch pp. 4, 5; WD—F. Klensch p. 28; Tr. 492–496, 499, 1238, 1594.)

(d) The production and sale of parmesan cheese is highly competitive, and the savings in producing and curing costs of the cheese would exert a downward pressure on prices and are desirable for both the producer and consumer. Increases in the productivity of parmesan are in the best interest of both producer and consumer. The downward pressure on prices may be reflected as a reduction in parmesan prices, the maintenance of current prices despite increases in other nonproduction costs, or a smaller price increase required by increases in other costs. It has been conservatively estimated that a 4-month reduction in the curing time would reduce the cost of producing parmesan cheese by approximately 2.2 cents per pound. This saving in production costs, if passed on to consumers, would lower the retail price of parmesan by 2 cents per pound in loaf form and up to 5 cents per pound when marketed in 3-ounce jars of grated parmesan. These price reductions, if effected, would represent a retail price savings to consumers on parmesan cheese. (WD—Stine pp. 36, 41; WD—Schulze p. 9; WD—R. Klensch pp. 4–5; WD—O'Flynn p. 6; Tr. 1001–1004, 1567–1568, 1580–1584, 1586–1590, 1602–1603.)

24. Exhibits G and H confirm that 10-month parmesan is virtually indistinguishable from parmesan cured for 14 or more months. It may therefore be practically impossible for producers, distributors, enforcement officials, and consumers to determine whether any given sample of parmesan has been cured for 14 months as presently required by the parmesan standard. There is, therefore, at present a possibility for

the intentional or unintentional violation of the parmesan standard. Such a condition is not in the best interests of either the consumer or legitimate producers. (WD—Langhus pp. 31–32; Tr. 455–456, 827–833, 1136–1137, 1223–1229, 1495–1496, 1524–1525, 1599–1600.)

25. The reduction of the minimum curing period of parmesan from 14 to 10 months would result in no material disadvantage to consumers, since (a) there would be no reduction in the nutritive value of this food; (b) there would be no alteration in the presently required moisture and milk-fat content; and (c) there would be no increase of any threat to health associated with pathologic organisms. (WD—Langhus pp. 28–29; Tr. 610–611, 1050; Finding No. 20; 15 FR 5658; Ex. H, Ex. K–9, K–13.)

26. Because of the wide range of physical and organoleptic characteristics of parmesan cheese presently produced and marketed under the parmesan standard, the adoption of the 10-month cure would not result in a reduction of the quality of this cheese consumed in this country. (Tr. 822; Ex. G. Ex. H.)

Conclusions of law. 1. *Issue 1.* The food prepared in conformity with the requirements of the standard of identity for parmesan (Reggiano) cheese (21 CFR 19.595), but which is cured for a period of not less than 10 months rather than the presently required 14 months, is parmesan (Reggiano) cheese.

2. *Issue 2.* Issue 1 having been answered in the affirmative, and in view of the substantial benefits to both producers and consumers as supported by the substantial evidence of this record and the lack of any proven disadvantages, it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for parmesan (Reggiano) cheese (21 CFR 19.595) to permit the cheese to be cured for a period of not less than 10 months.

Final order. Based upon the foregoing findings and conclusions and upon the substantial evidence of this record, considered in its entirety: *It is hereby ordered*, That the standard of identity for parmesan (Reggiano) cheese (21 CFR 19.595), be amended to reduce the minimum curing time from 14 to 10 months by changing the last sentence of § 19.595(a) to read as follows:

§ 19.595 Parmesan cheese, Reggiano cheese; identity; label statement of optional ingredients.

(a) * * * It is cured for not less than 10 months.

* * * * *

Effective date. This final order shall become effective August 5, 1973.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: February 12, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-3261 Filed 2-20-73;8:45 am]

Title 42—Public Health

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

SUBCHAPTER D—GRANTS

PART 54b—GRANTS TO STATES FOR DRUG ABUSE PREVENTION FUNCTIONS

Notice of proposed rule making, public rule making procedures, and postponement of effective date have been omitted in the issuance of the following Part 54b (which relates solely to grants to States for drug abuse prevention functions) pursuant to section 409 of the Drug Abuse Office and Treatment Act of 1972 (86 Stat. 80, 21 U.S.C. 1176) because for good cause it has been found that such notice, public participation, and delay would be contrary to the public interest in the light of the need for the orderly development of appropriate State plans and program proposals and the need for the orderly consideration of such plans and proposals.

The following regulations shall become effective on February 21, 1973.

Dated: November 30, 1972.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: February 14, 1973.

CASPAR W. WEINBERGER,
Secretary.

Chapter I, Subchapter D of Title 42 Code of Federal Regulations is amended by adding a new Part 54b reading as follows:

Sec.
54b.101 Applicability.
54b.102 Allotments.

AUTHORITY: Sec. 409, 86 Stat. 80; 21 U.S.C. 1176.

§ 54b.101 Applicability.

The regulations of this part apply only to grants under section 409 of the Drug Abuse Office and Treatment Act of 1972 (86 Stat. 80, 21 U.S.C. 1176) to assist the States in the preparation of plans for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in each State; in carrying out projects under and otherwise implementing such plans; in evaluating the results of such plans as implemented; and in paying the administrative expenses of carrying out such plans.

§ 54b.102 Allotments.

(a) *Allotments to States.* The allotments to the several States under section 409 of the Drug Abuse Office and Treatment Act of 1972 shall be computed by the Secretary as follows:

(1) One-third weight on the basis of total population weighted by financial need, as determined by the relative per capita income for each State for the three most recent consecutive years for which data is available from the Department of Commerce.

(2) One-third weight on the basis of the need for more effective conduct of drug abuse prevention functions as measured by an estimate of chronic drug abusers in each State relative to the total number of chronic drug abusers in the United States, based upon the latest statistical data available to the Secretary.

(3) One-third weight on the basis of the relative additional need for more effective conduct of drug abuse prevention functions as measured by the relative difference between each State's percentage share of the total population of the United States (based upon the most recent data available from the Department of Commerce) and such State's percentage share of Federal funds which had been obligated for the support of drug abuse prevention functions within all the States as of October 18, 1972, as determined by the Secretary.

Example. A State which has 10 percent of the total population and which had received 5 percent of the total Federal funds obligated for the support of drug abuse prevention functions within all the States as of October 18, 1972, would be allotted, from the one-third of the appropriation distributed pursuant to this factor, an amount equal to twice as much as a State which has 10 percent of the total population and which had received 7½ percent of the total Federal funds obligated for such purpose as of October 18, 1972. A State which had received a percentage of such funds equal to or greater than its percentage share of the total population of the United States would be allotted zero funds under this factor.

[FR Doc.73-3257 Filed 2-20-73;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 DEFENSE

Corps of Engineers

[36 CFR Part 327]

WATER RESOURCE DEVELOPMENT PROJECTS

Notice of Extension of Time Limitation for Comments

On February 1, 1973 (38 FR 3051) there appeared as a notice of proposed rule making, an amendment to rules and regulations governing public use of Water Resource Development Projects administered by the Chief of Engineers, requesting comments, suggestions or objections on or before February 16, 1973.

Due to receipt of numerous comments and a continuing interest in the amendment the time limitation for comment, suggestion, or objection is hereby extended until February 28, 1973.

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

FEBRUARY 16, 1973.

[FR Doc.73-3379 Filed 2-20-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of Oil and Gas

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

OI REG. 1—OIL IMPORT REGULATION

Allocations of No. 2 Fuel Oil in District I

Section 30 of Oil Import Regulation 1 (Revision 5), as amended, provides for allocations of No. 2 fuel oil imports to independent deep water terminal operators in District I. The proposed rule making incorporates revisions of certain portions of section 30; specifically paragraphs (c), (f), and (h) of that section, of an administrative and technical nature, which will make the section more effective in achieving the objectives for which it was established.

Paragraphs (c) and (f)(3) of section 30 have been rewritten in such a way as further to limit eligibility for allocations of imports of No. 2 fuel oil into District I. Heretofore, persons who had crude oil import allocations into Districts I–IV were not eligible for allocations of imports of No. 2 fuel oil. As it would be amended, section 30 would further restrict eligibility for such allocations by making them unavailable as well to persons having crude oil import allocations into District V and into Puerto Rico.

Paragraph (h) would be amended to emphasize that the sale of crude oil licenses or of crude oil imported by a terminal operator is prohibited, but that exchanges on an oil-to-oil basis are permissible even though they include settlements, credits and accounting adjustments reflecting the relative values of No. 2 fuel oil and the crude oil involved.

Implementation of this proposal is subject to appropriate amendment of Proclamation 3279, as amended, and to concurrence of the Chairman of the Oil Policy Committee.

Interested persons are invited to submit written comments on the proposed amendments to section 30 on or before March 23, 1973, to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Each person who submits comments is asked to provide fifteen (15) copies.

DAVID R. OLIVER,
Director, Office of Oil and Gas.

FEBRUARY 14, 1973.

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

* * * * *

(c)(1) A person shall be eligible for an allocation of imports into District I of No. 2 fuel oil under paragraph (e) of this section:

(i) If he is in the business in District I of selling No. 2 fuel oil, has under his management and operational control a deep water terminal which is located in District I and in which No. 2 fuel oil is handled, and does not have a crude oil import allocation into Districts I–IV, District V or Puerto Rico under section 9, 10, 11, 15, or 25 of this regulation.

(ii) If he is in the business in District I of selling No. 2 fuel oil and has a throughout agreement with a deep water terminal operator in District I who does not have a crude oil import allocation into Districts I–IV, District V or Puerto Rico under section 9, 10, 11, 15, or 25 of this regulation.

* * * * *

(f)(3) For the purpose of this paragraph (f), storage of No. 2 fuel oil at a refinery in which the oil was produced or delivery of No. 2 fuel oil into a deep water terminal under the management and operational control of a person who has an allocation of imports of crude oil into Districts I–IV, District V or Puerto Rico under section 9, 10, 11, 15, or 25 of this regulation shall not be deemed to be a first delivery to a deep water terminal in District I.

* * * * *

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

* * * * *

[FR Doc.73-3339 Filed 2-16-73;12:08 pm]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-GL-5]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Wapakoneta, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before March 23, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A new public use instrument approach procedure has been developed for the Neil Armstrong Field, Wapakoneta, Ohio, utilizing the Rosewood VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Wapakoneta, Ohio. The new procedure will become effective concurrently with the designation of the transition area.

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

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

WAPAKONETA, OHIO

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Neil Armstrong Field (lat. 40°29' 36'' N., long. 84°18'03'' W.).

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

Issued in Des Plaines, Ill., on January 26, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.73-3214 Filed 2-20-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-7]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Rice Lake, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before March 23, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

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

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

RICE LAKE, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Arrowhead Airport (lat. 45°28'45'' N., long. 91°43'20'' W.); within 3½ miles each side of the 178° bearing from the Arrowhead Airport; extending from the 5-mile radius to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 178° bearing of the Arrowhead Airport; extending from the airport to 18½ miles south and within 5 miles each side of the 358° bearing of the Arrowhead Airport, extending from the airport to 12 miles north of the airport, excluding that portion that overlies the Eau Claire transition area.

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

LYLE K. BROWN,
Director, Great Lakes Region.

Issued in Des Plaines, Ill., on January 26, 1973.

[FR Doc.73-3215 Filed 2-20-73;8:45 am]

[14 CFR Part 93]

[Docket No. 12565; Notice No. 73-6]

CHICAGO MIDWAY CONTROL ZONE

Proposed Elimination of Special VFR Operations

The Federal Aviation Administration is considering amending Part 93 of the Federal Aviation Regulations to eliminate Special VFR operations by fixed wing aircraft in the Chicago Midway control zone.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received before April 23, 1973, will be considered by the Administrator before action is taken on this proposal. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

Section 91.107 of the FAR's, entitled "Special VFR Weather Minimums," permits aircraft, after receiving an appropriate ATC clearance, to operate in a control zone clear of clouds and with 1-mile visibility. This procedure provides utility and flexibility for VFR flights when weather is below the basic VFR minimums, but prescribes operating conditions which will ensure that operations can be conducted safely.

In February 1968, FAA issued Amendment 93-10 (33 FR 4096) prohibiting the operation of fixed wing aircraft under Special VFR Weather Minimums within specifically designated control zones. This was necessary because increased operations of aircraft in the vicinity of specified airports serving large population centers created conditions which required imposition of restrictions and priorities with respect to the airspace and services associated with it, including the establishment of procedures giving priority to IFR traffic. Thirty-three major airports were specified as locations where the special VFR weather minimums would not apply in the operation of fixed wing aircraft. It was stated in Amendment 93-10 that "based upon changing conditions involving safety considerations additional airports may be designated in the future."

A study of conditions at Chicago Midway Airport now indicates that use of Special VFR operations can potentially affect the safe and efficient movement of traffic in the Chicago Midway control zone. During the period from April 1, 1970, to March 31, 1971, there were 78,878 instrument operations, 46,945 air carrier operations and 9,254 instrument approaches. Based on the instrument operations and instrument approach count for this period alone, Midway Airport meets the FAA criteria for elimination of Special VFR operations. In addition to meeting the criteria for elimination, the bulk of instrument operations are high performance air carrier and corporate aircraft flights.

Also, Midway control zone overlies sufficient congested areas on the surface that make it impossible to operate below a 1,000-foot ceiling or 700-foot transition area in the case of reduced visibility without violating terrain clearance requirements of § 91.79. A conflict arises when aircraft required to maintain 1,000 feet obstruction clearance above the highest obstacle in a congested area encounter a ceiling of less than 1,000 feet. This situation is hazardous for the aircraft, its occupants, and persons and property on the ground. Further, Midway Airport underlies the Chicago Terminal control area's 3,000-foot floor, and aircraft intending to enter the Midway control zone under Special VFR are sometimes operating at altitudes used by IFR arrivals and departures from Chicago Midway Airport.

The FAA believes that the safety implications of these situations require the prohibition of Special VFR operations in the Chicago Midway control zone.

(Secs. 307 and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c))

In consideration of the foregoing, it is proposed that item 5 in § 93.113 of the Federal Aviation Regulations be amended to read as follows:

§ 93.113 Control Zones within which Special VFR Weather Minimums are not authorized.

* * * * *

5. Chicago, Ill. (Midway Airport and O'Hare International Airport).

* * * * *

Issued in Washington, D.C., on February 13, 1973.

RAYMOND G. BELANGER,
Acting Director,
Air Traffic Service.

[FR Doc.73-3088 Filed 2-20-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

N-(MERCAPTOMETHYL)PHTHALIMIDE S-(O,O-DIMETHYL PHOSPHORODITHIOATE)

Proposed Tolerance

Correction

In FR Doc. 73-2655, appearing on page 4275 in the issue of Monday, February 12, 1973, immediately after the ninth line of the first paragraph, insert, "a tolerance for residues of the insecticide".

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

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The U.S. Advisory Commission on International Educational and Cultural Affairs will meet on Friday, March 2, 1973, in Conference Room 6320 at the Department of State beginning at 9 a.m. From 9 a.m. to 11 a.m. will be an open session. The agenda for the open session will include: Consideration of a research project on Teaching of English as a Second Language; further discussion of the Commission's study of its organization plan; a review of the utilization of the Commission's last annual report. For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the staff director by telephone in advance of the meeting. Telephone: 632-2764.

From 11 a.m. to 3 p.m. the Advisory Commission will meet in closed session, as provided for by 5 U.S.C. 552(b).

Dated: February 12, 1973.

MARGARET G. TWYMAN,
Staff Director,
Commission Secretariat.

[FR Doc.73-3081 Filed 2-20-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ROSEBUD INDIAN RESERVATION, S. DAK.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

In accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Management and Budget by Secretarial Order No. 2950, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that an ordinance relating to the application of the Federal Indian liquor laws on the Rosebud Indian Reservation, S. Dak., was adopted on July 8, 1971, and amended on August 17, 1972, by the Rosebud Sioux Tribal Council, which has jurisdiction over the area of Indian country included in the ordinance. The resolution adopting the 1971 ordinance was certified and published on October 14, 1971, 36 FR 19984, but the ordinance itself was inadvertantly omitted from the publication. The amended ordinance reads as follows:

ALCOHOLIC BEVERAGES

1-1-1 *Definition of terms.* Terms used in this title, unless the context otherwise plainly requires, shall mean:

(1) "Intoxicating liquor", an liquid either commonly used, or reasonably adapted to use, for beverage purposes, and containing in excess of three and two-tenths per centum of alcohol by weight;

(2) "Low point beer", an liquid either commonly used, or reasonably adapted to use, for beverage purposes, and which is produced wholly or in part from brewing of any grain or grains, or malt or malt substitute, and which contains any alcohol whatsoever but not more than three and two-tenths per centum of alcohol by weight;

(3) "Alcoholic beverages," any intoxicating liquor, any nonintoxicating beer, and any nonintoxicating wine as defined in this title;

(4) "Hight point beer," any beer having an alcoholic content in excess of three and two-tenths per centum by weight, and not in excess of six per centum by weight;

(5) "Executive Committee," the official Executive Committee of the Rosebud Sioux Tribal Council;

(6) "Sale," the transfer, for a consideration, of title to any alcoholic beverage;

(7) "Package," the bottle or immediate container of any alcoholic beverage;

(8) "Bulk container," any package, or any container within which container are one or more packages;

(9) "Off-sale," the sale of any alcoholic beverage, for consumption off the premises where sold;

(10) "On-sale," the sale of any alcoholic beverage, for consumption only upon the premises where sold;

(11) "Wholesale," any person who sells alcoholic beverages to the retailers for resale;

(12) "Retailer," any person who sells alcoholic beverages for other than resale;

(13) "Package dealer," any person other than a distiller, manufacturer, or wholesaler, who sells, or keeps for sale, any alcoholic beverage for consumption off the premises where sold;

(14) "On-sale dealer," any person who sells, or keeps for sale, any alcoholic beverage for consumption on the premises where sold;

(15) "Municipality," any incorporated city or town, which has a U.S. Post Office;

(16) "Club," any corporation or duly organized organization which is organized under the laws of the State of South Dakota or the Rosebud Sioux Tribe for civic, fraternal, or charitable purposes, or for intellectual improvements, or for promotion of sports, which has more than 20 members and has for more than 2 years been in existence;

(17) "Sacramental wine," wines for sacramental purposes only used by regularly appointed and ordained rabbis, priests, ministers, or pastors, or any church or established religious organization;

(18) "Stamp," the various stamps required by this title to be affixed to the package or bulk container, as the case may be, to evidence payment of the tax prescribed by this title;

(19) "Low point beer," both nonintoxicating beer and wine;

(20) "Community," any recognized Indian community as established by the constitution, or by-laws, or ordinances of the Rosebud Sioux Tribe;

(21) "Treasurer," the duly selected and acting treasurer of the Rosebud Sioux Tribe;

(22) "Tribal council," the tribe council of the Rosebud Sioux Tribe.

1-1-2 *No individual to hold license.* No individual person may hold a liquor license under the provisions of this ordinance. It is the intent of this ordinance to allow only the Rosebud Sioux Tribe itself or nonprofit organizations, clubs, municipalities, Indian communities, service, veterans, religious, and fraternal organizations to hold liquor licenses.

No member of the Rosebud Sioux Tribal governing body, nor any member of his immediate family including parents, spouse, or children or their wives shall directly, or indirectly have any financial interest in the production, transportation, or sale of intoxidirectly have any financial interest in the cating liquor or nonintoxicating beer or wine, or in any building or property in any way used in connection with any such business. This provision applies to obtaining of such interests during the time that a member of the Rosebud Sioux Tribal governing body is in office and does not apply to anyone who has or whose immediate family has an interest, either direct or indirect, before he or she becomes a member of the tribal governing body.

1-1-3 *Traffic in alcoholic beverages prohibited.* No person shall sell, offer to sell, keep for sale, distill, manufacture, produce, bottle, blend, or otherwise concoct, or transport any alcoholic beverage except as authorized under the provisions of this title.

1-1-4 *Unlicensed business prohibited.* No organization, unless it first obtains a license provided by this title, shall transact the business authorized by this title to be conducted by such licensee.

1-1-5 *Corporate surety required.* All bonds required by this title shall be with a corporate surety as surety, or shall be by cash deposit. If said bond is placed by cash, it shall be kept in a separate escrow account within a legally chartered bank.

1-1-6 *False statements.* Any person or organization who, in any application, report, or statement, filed with the Executive Committee or its duly authorized agent, knowingly makes a false statement as to any matter required by any provision of this title to be set forth in such application, report, or statement, shall be guilty of an offense and punished by a fine not exceeding $360 or imprisonment in the tribal jail not less than 30 days nor more than 180 days or by both such fine and imprisonment.

1-1-7 *Delivery of beverages.* No manufacturer, distributor, or wholesaler shall sell

or deliver any package containing alcoholic beverages manufactured or distributed by him for resale, unless the organization to whom such package is sold or delivered is authorized to receive such package in accordance with the provisions of this ordinance. The tribal council shall, pursuant to 1-2-10 through 1-2-16 of this title, revoke the license of any manufacturer, distributor, or wholesaler who violated the provisions of this section.

1-1-8 *Storage of beverages.* No licensee under this title shall keep or store any alcoholic beverages at any place within the Rosebud Sioux Reservation other than on the premises where they are authorized to operate.

1-1-9 *Severability.* If any section, or provision of this title, or the application thereof to any party or class, or to any circumstance, shall be held to be invalid for any cause whatsoever, the remainder of this title other than those as to which it is held to be invalid, shall not be affected thereby and shall remain in full force and effect as though no part thereof had been declared to be invalid.

1-2 Licensing Procedures

1-2-1 *Applications.* Applications for licenses provided for by this title except the Rosebud Sioux Tribe which shall be licensed by the Rosebud Sioux Tribal Council, shall be on forms prescribed by the Executive Committee of the Tribal Council, and shall be verified by the oath of at least two officers or elected officials of the applicant. Such application must contain such information as the Executive Committee of the tribal council shall require, and must show that the applicant is eligible for the license for which application is made.

1-2-2 *Payment of fee.* Every application for a license under this ordinance shall be accompanied by the required fee for such license either in cash or duly certified check payable to the order of the Treasurer of the Rosebud Sioux Tribe. In the event that the application is rejected, such fee shall be promptly returned by the Treasurer of the Rosebud Sioux Tribe to the applicant. In the event that the application is granted, the Treasurer of the Rosebud Sioux Tribe shall immediately deliver such fee to the depository as directed by the Executive Committee of the Rosebud Sioux Tribal Council.

1-2-3 *Hearing and notice.* No license for a class A, B, or D license, as the same are defined and classified under the provisions of this title, shall be granted to an applicant for any such license, except after public hearing, upon notice, as provided hereinafter in this chapter.

1-2-4 *Request for notice of hearings.* If any resident of any community as recognized by the constitution, or by-laws or ordinances of the Rosebud Sioux Tribe, shall file with the Secretary of the Executive Committee of the Rosebud Sioux Tribal Council, a written request that he or she be notified of the time and place of hearing upon any specified application or applications for licenses for the on or off sale at retail of alcoholic beverages, the Secretary shall give notice to such person by certified mail a sufficient length of time prior to the hearing upon such application as to allow such person a reasonable opportunity to be present. For the purposes of this section, the certified letter must be deposited with the U.S. Post Office at least 5 days before the schedule date of the hearing.

1-2-5 *Time and place for hearing.* The Executive Committee of the Rosebud Sioux Tribal Council before whom the application for license is presented, shall fix a time and place for hearing upon such application which may come before the committee, and the Secretary of Executive Committee of the Rosebud Sioux Tribal Council shall publish notice once in the official newspaper, of such community which notice shall be headed "Notice of Hearing Upon Application for Sale of Alcoholic Beverages", shall state the time and place when and where such applications will be considered by said Executive Committee, and shall state that any person interested in the approval or rejection of any such application may appear and be heard, which notice shall be published at least 1 week prior to such hearing. At the time and place so fixed, such board shall consider such applications and all objections thereto, if any, prior to final decision thereon.

1-2-6 *Executive Committee to grant licenses.* The Executive Committee of the Rosebud Sioux Tribal Council is hereby empowered to grant licenses provided for by this title. Upon granting any license, the Secretary of the Executive Committee shall forthwith report to the Rosebud Sioux Tribal Council, the name and business address of the licensee, and the class of license issued.

1-2-7 *Transfer of licenses.* No license granted pursuant to the provisions of this ordinance shall be transferred to another organization, club, municipality, or other party. If a transfer to a new location is requested by a licensee, the licensee must make application showing all the relevant facts as to such new location, which application shall take the same course and be acted upon as if an original application. No additional fee shall be required of an applicant who desires to transfer to a new location, however, such applicant must pay the actual costs involved in the Notification of Hearing as published in the official newspaper.

1-2-8 *Sale of stock on termination.* Any licensee authorized to deal in alcoholic beverages, upon termination of its license, may at any time within 10 days thereafter sell the whole or any part of the alcoholic beverages included in its stock in trade at the time of such termination, to any wholesaler licensed under this title to deal in the alcoholic beverages so purchased by such wholesaler. A complete report of such purchase must be made by the wholesaler to the Executive Committee of the Rosebud Sioux Tribal Council.

1-2-9 *Investigation for violation.* It shall be the duty of the Executive Committee, when it receives information of violation by any licensee of any provision of this ordinance, to make an immediate (within 20 days) investigation thereof. Any person may file with the Executive Committee a duly verified complaint as to any such violation by any such licensee, and immediately upon receipt thereof, the Executive Committee or its authorized agent shall make a thorough investigation and if there is evidence to support the charge made in such complaint, the Executive Committee must cause proceedings to be instituted under the provisions of the ordinance for revocation of a license.

1-2-10 *Revocation proceedings.* The Executive Committee on due notice to such licensee, conduct a hearing and on the basis thereof determine whether such license should be revoked. If the Executive Committee determines that such license should be revoked, it must make in writing findings of fact as to every such violation alleged in such complaint.

1-2-11 *Subpoena by Executive Committee.* For the purpose of conducting the hearing as prescribed above, the Executive Committee shall have the power to subpoena witnesses and to administer oaths. Witnesses so subpoenaed shall be paid at the then prevailing witness rate for the Rosebud Sioux Tribal Court, and said witness fees shall be paid from the law and order account of the Rosebud Sioux Tribe.

1-2-12 *Dismissal of complaint.* If the Executive Committee with which a complaint is filed pursuant to this ordinance determines the license should not be revoked, it shall dismiss the complaint. If the Executive Committee determines the license should be revoked, it must make in writing findings of fact as to every such violation alleged in such complaint, and must by the time of the next Tribal Council meeting, make a report to the Tribal Council, in session, of a transcript of the proceedings had, and all findings as to every such violation alleged in such complaint, and the recommendation of the Executive Committee, whereupon the Rosebud Sioux Tribal Council shall review such of the findings of fact as it deems should be approved and disapprove the balance, and either approve or disapprove the recommendation of the Executive Committee.

1-2-13 *Suspension in lieu of revocation.* The Tribal Council may, where such Executive Committee recommends revocation, mitigate the revocation to a suspension. The Tribal Council shall not, however, in any case whatsoever mitigate the revocation of a license to suspension thereof unless the licensee files with the Tribal Council a written consent to such suspension, which consent must include a waiver of any appellate review.

1-2-14 *Public hearing required.* All hearings under sections 1-2-10 through 1-2-13 inclusive, shall be public, and in a place in the Tribal Building, such place to be specifically designated in the notice of hearing. It shall be permissible, when due notice has been given pursuant to 1-2-5, for the Executive Committee to hold hearing in the Community Hall of Community wherein the license is operative.

1-2-15 *Order of revocation.* In any case where the Tribal Council approves a revocation of a license, it shall worthwith make an order for such revocation and upon service of notice thereof on the licensee or any of its duly elected officials all of its rights under such license shall terminate 3 days after such notice, except in the event of a stay on appeal.

1-2-16 *Waiting perior for new license.* Any licensee under this title, whose license is revoked shall not for a period of 5 years thereafter be granted any license under this title.

1-2-17 *Suspension in lieu of revocation.* When in any proceedings upon verified complaint, the Executive Committee is satisfied that the nature of such violation and the circumstances thereof were such that a suspension of the license would be adequate, it may instead of recommending revocation to the Tribal Council, suspend the license for a period of not exceeding 60 days, which suspension shall become effective 24 hours after service of notice thereof upon the licensee. During the period of such suspension, such licensee shall exercise no rights or privileges whatsoever under the license.

1-2-18 *Appeal to Tribal Court.* Any licensee whose license is revoked by the Tribal Council, regardless of how the proceedings were instituted, may appeal from such revocation to the Tribal Court of the Rosebud Sioux Tribe, which appeal shall be perfected by filing written notice thereof with the Executive Committee of the Rosebud Sioux Tribe within 5 days after notice to the licensee of such revocation, and which appeal shall operate to stay all proceedings for a period of 15 days thereafter, and for such additional period of such Rosebud Sioux Tribal Court may in its discretion extend such stay. Under no circumstances may the Tribal Court extend the stay for a period of more than 25 days including the original 15-day stay period. The Executive Committee shall forthwith, upon such appeal being

made, certify to such Tribal Court the complete record in the proceedings and the court shall thereupon fix a time and place for hearing, due notice of which hearing shall be given to the licensee, to the complainant, to the members of the Tribal Council, and to the duly elected and qualified community chairman of the Community wherein the licensee is operating.

For the purposes of appeal under this ordinance, the appeal shall be heard by all duly qualified and selected judges of the Rosebud Sioux Tribal Court sitting in one body.

1–2–19 *Review by Tribal Court.* Upon the hearing pursuant to 1–2–18, the Tribal Court Judges shall review the record as presented to the Tribal Council by the Executive Committee and shall then, immediately during that Court date, enter an order either affirming or reversing the decision revoking such license. In reaching its determination, the Tribal Court Judges shall not hear any testimony, but shall examine the record as certified by the Executive Committee as to whether it disclosed evidence of any violation of law or rules or regulations charged in the complaint, and if the certified record so discloses any violation of law, they are bound to affirm the decision of the Rosebud Sioux Tribal Council.

An appeal will be denied unless a clear majority of the Tribal Judges sitting on the appeal vote for reversal. In the event of active vote, the actions of the Rosebud Sioux Tribal Council shall be affirmed, and the license revoked.

1–3 Local Option and Community Involvement

1–3–1 Any Indian Community as recognized by the Constitution, By-Laws or Ordinances of the Rosebud Sioux Tribe, shall have the power to make regulations concerning the conduct of retail traffic in alcoholic beverages, which regulations are not inconsistent with the provisions of this title, and this includes the regulation of the days of the week and the hours within which alcoholic beverages may be sold. Nothing in this Chapter shall operate to restrict or apply to the Rosebud Sioux Tribe when it becomes the licensee anywhere within the Rosebud Sioux Reservation.

1–3–2 No part of this ordinance shall authorize the granting of any license by the Executive Committee of the Rosebud Sioux Tribal Council, until such time as the Indian community within which an applicant seeks to operate has conducted a Community election for the purpose of approving the retail sale of alcoholic beverages in that community. For the purposes of this Ordinance, the Executive Committee of the Tribal Council is prohibited from considering an application for a license in any community which has not affirmatively voted—by a majority of those voting—the approval of retail sale of alcoholic beverages in that particular community.

1–3–3 *Election.* The local election to allow licensing of retail sale within a community of alcoholic beverages shall be conducted by the duly elected community officials upon proper notice having been given in advance of at least 15 days duration. The election shall be held among all the duly qualified voters of the Community as of the date of the election, and in the rules and regulations pertaining to tribal elections shall apply in this election. Upon the completion of a community election, the ballots shall be transmitted forthwith to the Executive Committee along with the certification of the Elected Officials of the Community as to the outcome of the election. Any charges as to irregularities in the election shall be heard by the Executive Committee and their decision shall be final.

1–3–4 *Distance from schools and churches.* No license may be issued under this ordinance, without the consent of the Community involved, to any licensee who will sell alcoholic beverages within 400 feet of any school which is open during the sale hours, or which will operate within 400 feet of any church of any religion.

1–8–5 *Form of question on election.* The form of submitting the question of whether intoxicating liquor is to be sold within the community shall be, "Shall liquor licenses be permitted within the Community."

1–3–6 *Purchase invoices.* A copy of each purchase invoice for intoxicating liquor supplies delivered to and signed by the licensee or its agent shall be filed monthly with the Treasurer of the Rosebud Sioux Tribe.

1–3–7 *Waiting period between local option elections.* When the question of whether liquor licenses shall be granted within the community has been submitted to the voters of an Indian community of the Rosebud Reservation, the same question shall not be resubmitted within a year thereafter.

1–4 Liquor Licenses and Sales

1–4–1 *Applicability of chapter.* The provisions of Chapter 1–4 of this ordinance, unless clearly indicated, shall be construed to relate only to intoxicating liquor, and not to nonintoxicating beer or wine.

1–4–2 *Classes of licenses.* Classes of licenses, with the fee for each class, follow:

(1) Class A—Package dealers—4 Hundred Dollars.

(2) Class B—On Sale Dealers—4 Hundred Dollars.

(3) Class C—Solicitors—25 Dollars.

(4) Class D—Transportation Companies—25 Dollars.

(5) Class E—Private Clubs with restricted membership—5 Hundred Dollars.

1–4–3 *One license per application.* No more than one license of any or different classes under this chapter shall be issued to any one licensee: except that:

(1) Both a Class A and Class B license may be granted to an Indian community.

1–4–4 *Number of licenses.* On-sale licenses under this chapter shall be limited according to the population of the Indian community where the licensee is to operate. There shall not be granted exceeding two such licenses for the first 1,000 of population, and one additional license for every additional 1500 of population.

1–4–5 *Package licenses.* No more than two Off-Sale licenses shall be granted within any Indian community of 1,000 or less population, and no more than one additional license shall be allowed for each additional 1,500 of population or fraction thereof.

1–4–6 *Domestication requirement for corporate licenses.* Any corporate licensee under this chapter must be corporation organized under the laws of the Rosebud Sioux Tribe or the State of South Dakota, provided that if the applicant is a foreign corporation, the applicant shall be deemed eligible if, prior to the application, it has complied with all the laws of the Federal, Tribal, and State governments concerning doing business within the Indian Reservation and the State of South Dakota.

1–4–7 *Control of premises.* Any licensee under this ordinance must be the owner or actual lessee of the premises where the applicant intends to conduct business.

1–4–8 *Ownership of business.* Any licensee under this ordinance must be the sole owner of the business to be operated under the license.

1–4–9 *Discretion of Executive Committee.* The applications of licenses shall be submitted in the first instance to the Executive Committee as enumerated in Chapter 1–2 of this ordinance, and the Executive Committee shall have absolute discretion to approve or disapprove the same.

1–4–10 *Cancellation of surety bond.* The surety may cancel the bond required under this ordinance as to future liability by giving 30 days' notice to the Executive Committee. Unless the licensee gives other sufficient surety by the end of the 30-day period, his license shall be revoked automatically at the end of the 30 days.

1–4–11 *Surety bond.* Every application must be accompanied by a bond, which shall become operative and effective upon the issuing of a license unless the licensee already has a continuing bond in force. Said bond shall be in the amount of $10,000. Such bond must be on a form approved by the Executive Committee of the Rosebud Sioux Tribe and it shall be conditioned that the licensee will faithfully obey and abide by all the provisions of this title and all existing laws relating to the conduct of its business and will promptly pay to the Rosebud Sioux Tribe when due all taxes and license fees payable by it under the provisions of this title and also any costs and cost penalty assessed against it in any judgement for violation of the terms of this title.

1–4–12 *Action of bond for injury.* Any person injured by reason of the failure of any licensee to faithfully obey and abide by all the provisions of this title, or any act amendatory thereto, shall have a direct right of action upon the bond required in 1–4–11 for the purpose of recovering the damage sustained by such person, which action may be prosecuted in the name of the injured.

1–4–13 *Agreement by licensee to grant access.* Every application for a license under this ordinance must include an agreement by the applicant that his premises, for the purpose of search and seizure laws of the Rosebud Sioux Tribe, shall be considered public premises, and that such premises and all buildings, safes, cabinets, lockers, and storerooms thereon will at all times on demand of the Executive Committee or its authorized agent, or a duly appointed tribal or Federal policeman, be open to inspection, and that all its books and records dealing with the sale and ownership of intoxicating liquor shall be open to said person or persons for such inspection, and that the application and the license issued thereon shall constitute a contract between the licensee and the Rosebud Sioux Tribe entitling the Rosebud Sioux Tribe, for the purpose of enforcing the provisions of this title to inspect its premises and books at any time.

1–4–14 *Duration of licenses.* The period covered by licenses under this ordinance shall be from midnight on the 21st day of December to midnight on the 31st day of next December, except that the license shall be valid for an additional 3 days provided that proper application for a new license is in the possession of the Executive Committee prior to midnight on the 31st day of December when the license expires, and the full fee shall be charged for any license for a portion of such period.

1–4–15 *Place of business.* Unless specifically authorized by ordinance no licensee shall engage in business as a dealer in intoxicating liquor of any of the classes provided herein in more than one place.

1–4–16 *Sales practices prohibited.* No licensee under this ordinance shall attempt to promote its sales of liquor by tie-in sales arrangements or by any device such as gifts or other concessions of financial value to a customer, but shall limit its business practice to promoting sales on the basis of price of price competition, reliability as other competition, reliability as a supplier, and

other ordinary competitive practices. Violations of this section shall form the basis for immediate revocation of license.

1-4-17 *Sacramental wines exempt.* The provisions of this ordinance, except as otherwise provided, shall not apply to the purchase and sale of sacramental wines. Ordained rabbis, priests, ministers, or pastors of any church or established religious organization within the State of South Dakota or the Rosebud Sioux Indian Reservation may buy sacramental wines from wholesalers either within or without the State in such quantities as necessary for their religious purposes only.

1-4-18 *Refilling prohibited.* No licensee shall buy or sell any package which has previously contained intoxicating liquor sold under the provisions of this ordinance, or refill any such package.

1-4-19 *Deliveries.* No licensee under this ordinance shall make any delivery of intoxicating liquor outside the premises described in the license.

1-4-20 *Prohibited sales.* No licensee shall sell any intoxicating liquor:

(1) To any person under the age of 21 years;

(2) To any person who is intoxicated at the time, or who is kown to the seller to be an habitual drunkard;

(3) To any person to whom the seller has been requested in writing not to make such sale, where such request is by the Executive Committee, any police or peace officer, or the husband, wife, or child of the person;

(4) To any mentally ill or mentally retarded person.

Whoever shall violate any of the provisions of this section shall be guilty of an offense and punished by a fine of not less than $200 nor more than $360, or by imprisonment in the tribal jail for a term not exceeding 90 days, or by both such fine and imprisonment, and, in addition, there shall be adjudged against such person a cost penalty of $200.

1-4-21 *Minors barred.* No on-sale licensee of any class shall permit any person less than 21 years old on the premises where the business under the license is authorized.

1-4-22 *After hours sales.* No licensee of any class shall sell, serve, or allow to be consumed on the premises covered by the license, intoxicating liquor other than in the hours permitted by its license.

1-4-23 *Prohibited activity.* No licensee under this ordinance shall allow any athletic contest or gambling or gambling devices on the licensee's premises or permit any lewd or indecent entertainment on said premises.

1-4-24 *Prohibited sales.* No person shall buy from any on-sale dealer any intoxicating liquor in a package, whether sealed or unsealed, or whether full or partially full.

1-4-25 *Unsealed packages in public.* No person shall have an unsealed package containing intoxicating liquor in his possession in any public place; other than a duly licensed facility authorizing such broken seal. For the purposes of this section "Public Place" is identical to 35-4-88 S.D.C.L.

1-4-26 *Violation as to possession.* Whoever shall violate any of the provisions of this Chapter 1-4 for which a penalty is not otherwise prescribed shall be guilty of an offense and upon conviction shall be punished by a fine of not less than $25 nor more than $360, or by imprisonment in the tribal jail not exceeding 60 days or by both such fine and imprisonment, plus costs.

1-4-27 *Prohibited use.* No person shall be permitted either to:

(1) Consume any intoxicating liquor, or

(2) To mix or blend any intoxicating liquor or alcohol with any other beverage whether or not such other beverage is an alcoholic beverage, in any public place other than upon the premises of a licensed on-sale dealer as defined by this ordinance, and the proprietor who knowingly permits such violations to occur upon his premises shall be equally responsible with the person performing the act for the violation of the terms hereof.

1-4-28 *Citation of liquor control law.* This ordinance shall be known and cited as the Rosebud Sioux Tribe Liquor Control Law.

1-5 Sales Tax

1-5-1 *Tax levied.* There is hereby levied on all licensees licensed under this ordinance a sales tax to be computed on all intoxicating liquors sold.

1-5-2 *Amount of tax.* The sales tax based on the quantities of different kinds of alcoholic beverages shall be:

(1) Beer in excess of 3.2 percent alcohol by weight, $8 per barrel of 31 gallons, or a pro rata portion thereof in accordance with the size of the bulk container.

(2) All light wines and diluted beverages (except sparkling wines) containing alcohol by weight to the extent of more than 3.2 percent and not more than 14 percent, $1.20 per gallon.

(3) All wines and diluted beverages (except sparkling wines) containing alcohol by weight to the extent of more than 14 percent and not more than 20 percent, $1.60 per gallon.

(4) All wines and diluted beverages (except sparkling wines) containing alcohol by weight to the extent of more than 20 percent and not more than 24 percent, all natural sparkling wines containing alcohol and all artificial sparkling wines containing alcohol, $1.80 per gallon.

(5) Low point beer, containing 3.2 percent alcohol by weight or less $8 per barrel of 31 gallons or a pro rata portion thereof in accordance with the size of the bulk container.

(6) All other alcoholic beverages not hereing befor specified $3.50 per gallon.

1-5-3 *Fractions of gallons.* In computing the sales tax on any package of alcoholic beverages, other than beer, a proportionate tax at a like rate on all fractional parts of a gallon less than one-sixteenth shall be taxed at the same rate as for one-sixteenth of a gallon.

1-5-4 *Exemptions.* The following beverages sold by licensees are hereby exempted from the tax levied in 1-5-2:

(1) Sacramental wines.

1-5-5 *Board of licensees.* Any licensee liable for the payment of the sales tax levied under this chapter may be required by the Executive Committee to file with the Executive Committee a bond or bonds, in such amount and form as the Executive Committee shall prescribe, with corporate surety satisfactory to the Executive Committee. The amount of such bond shall not be more than $10,000, and the Executive Committee may require the increase or permit the decrease of the amount of the bond to such a sum as it deems necessary to assure payment of the tax. Such bond or bonds shall run to the Rosebud Sioux Tribe and shall be conditioned on the payment of all taxes levied by this chapter on or before the due date of payment, and on the payment of all fines and penalties lawfully imposed by reason of failure to pay any such taxes on the date payment is due. In lieu of such bond the Executive Committee may allow the licensee to furnish the amount of such bond in cash, or negotiable securities as it may approve.

1-5-6 *Cancellation of bond.* The surety may cancel the bond required by the preceding section as to future liability by giving 30 days written notice to the Executive Committee and the licensee. Unless this licensee gives other sufficient security by the end of the 30-day period, its license shall be automatically revoked.

1-5-7 *Monthly return and payment.* Licensees liable for the payment of the sales tax levied by this chapter shall file with the Treasurer of the Rosebud Sioux Tribe, a return, on such form as the Executive Committee may require, showing the kind and quantity of alcoholic beverages received, on hand and sold together with the names of the persons from whom received, the amount of tax due, and such other information as the Executive Committee shall by regulation prescribe. Said return, covering the period of 1 calendar month, together with payment of the tax due, shall be transmitted to the Treasurer of the Rosebud Sioux Tribe on or before the 25th day of the second month following the close of the reporting period.

1-5-8 *Tax stamps.* The sales tax may, if required by the Executive Committee to assure collection of the tax be evidenced by an identification stamp to be affixed to each original package of alcoholic beverage for sale on this reservation.

1-5-9 *Design of stamp.* The Executive Committee shall adopt the design of the identification stamp and shall procure the manufacture of such stamp in such quantities as it shall deem necessary.

1-5-10 *Penalty on delinquency.* If any licensee liable for any tax imposed by this chapter shall fail to pay such tax on the date payment is due, there shall be added to the tax 10 percent per month of the total amount of the tax unpaid from the due date of payment until paid. The amount of the tax and penalty shall bear interest at 10 percent per annum from the date of delinquency until paid. If any licensee shall file a false or fraudulent return, there shall be added to the tax an amount equal to the tax evaded, or attempted to be evaded, and all such taxes and civil penalties may be collected by assessment and distraint and no court of this tribe shall enjoin the collection of any such tax or civil penalty plus interest.

1-5-11 *Reports required.* Any person outside the Rosebud Reservation who sells or ships alcoholic beverages to a retailer or dispenser within the reservation shall forthwith forward to the Executive Committee such a report as the Executive Committee shall require, giving the name and address of the licensee or person making the purchase, the quantity and kind of alcoholic beverage sold, the manner of delivery and such other information as the Executive Committee by rule requires.

1-5-12 *General penalties.* Any person violating any of the provisions of this chapter for which a specific penalty is not provided, as a first offense, shall be punished by a fine of not more than $300 nor less than $250 or by imprisonment in the tribal jail for not less than 180 days, or by both such fine and imprisonment.

1-5-13 *Deposit and crediting of taxes.* Twenty percent of all license fees and tax receipts received under the provisions of this ordinance shall revert to the Indian community in which the licensee paying the fee is located. The balance of all license fees and tax receipts shall be paid to the General Treasury of the Rosebud Sioux Tribe.

1-6 Nonintoxicating Beer and Wine

1-6-1 The provisions of this chapter, unless the context otherwise clearly requires, shall be construed to relate only to nonintoxicating beer.

1-6-2 *Class of license.* Classes of license under this chapter, with the fee for each class, follow:

(1) Package dealers—Class P—$250.

(2) Retailers, being both package dealers and on-sale dealers—Class C—$500.

1-6-3 *Sales prohibited.* No license under this chapter shall or give any nonintoxicating beer to any person who is less than 19 years old or to any person to whom the sale of other alcoholic beverages is prohibited under the provisions of subdivision (2), (3), and (4) of 1-4-20.

1-6-4 *Employment restriction.* All persons less than 19 years of age are prohibited from serving beer in the place of business of any license under this chapter.

1-6-5 *Hours when sale and consumption prohibited.* No package dealer or retailer licensee under this chapter shall sell, serve, or allow to be consumed on the premises covered by the license, any nonintoxicating beer or intoxicating beverage between the hours of 1 a.m. and 7 p.m. Monday through Saturday or between 1 a.m. and 12 p.m. on Sunday. Whoever shall violate any of the provisions of this section shall be guilty of an offense and punished by a fine of not less than $100 nor more than $360 or by imprisonment in the tribal jail for not more than 180 days or less than 10 days, or both such fine and imprisonment.

1-6-6 *Importation restricted.* Except as provided by this ordinance, it shall be unlawful to transport any alcoholic beverages or nonintoxicating beer into the Rosebud Sioux Reservation for the use or sale therein unless the same shall be for delivery to a licensee authorized under this title to receive such imported nonintoxicating beer or alcoholic beverages.

1-7 AGE REQUIREMENTS

1-7-1 *Furnishing beverage to child.* It shall be unlawful to sell or give for use as a beverage any alcoholic beverage except nonintoxicating beer to any person under the age of 21 years, or sell or give for the use as a beverage to any person under the age of 19 years any low point or nonintoxicating beer. Any person who violates any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $360 or by imprisonment in the tribal jail for not less than 15 days nor more than 180 days, or by both such fine and imprisonment.

1-7-2 *Purchase, possession by minor.* It shall be unlawful for any person under the age of 21 years to purchase, attempt to purchase or possess or consume alcoholic beverages, except nonintoxicating beer or to misrepresent his age for the purpose of purchasing or attempting to purchase such alcoholic beverages from any licensee as defined by this ordinance. Any person who violates any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than $20 nor more than $360 or by imprisonment in the tribal jail for a period not less than 10 days nor more than 30 days, or by both such fine and imprisonment.

1-7-3 *Liquor I.D. card.* Any person between the ages of 21 and 25 years, inclusive except a veteran who has honorably been discharged after service on active duty, who produces satisfactory proof that he or she holds an honorable discharge and is 21 years of age, who is a purchaser or consumer of alcoholic beverages, shall carry and display on demand of any licensed dealer under the provisions of this title, a liquor purchase identification card. Such card shall be issued by the Tribal Clerk or Courts, under seal, on a form prescribed by the Executive Committee, and shall show a picture and certify the name, signature, date of birth and address of the person to whom issued. The clerk shall charge and receive a fee of $1 for issuing each card. It shall be a violation of the provisions of this section for any person between the age of 21 and 25, inclusive, except such veterans, to purchase any alcoholic beverage unless he or she has in their possession a liquor purchase identification card issued to him or her pursuant to the provisions of this section. Any person who shall transfer, alter, or deface such identification card or use the identification card of another, or shall furnish false information in obtaining such card, or shall violate any provision of this section shall be guilty of an offense.

1-7-4 *Purchase or possession of low-point beer.* It shall be unlawful for any person under the age of 19 years to purchase, attempt to purchase, possess or consume low-point beer, nonintoxicating beer, or to misrepresent his age for the purpose of purchasing or attempting to purchase low-point beer or nonintoxicating beer from any licensee as defined by this title.

Any person who violates any of the provisions of this section shall be guilty of an offense and upon conviction shall be punished by a fine of not less than $10 nor more than $150 or by imprisonment in the Tribal Jail for not less than 10 days nor more than 45 days, or both such fine and imprisonment.

WILLIAM L. ROGERS,
Deputy Assistant Secretary of the Interior.

FEBRUARY 13, 1973.

[FR Doc.73-3221 Filed 2-20-73;8:45 am]

Fish and Wildlife Service

HAWAIIAN ISLANDS NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136) that a public hearing will be held beginning at 9 a.m. on April 14, 1973, at Airport Holiday Inn, 3401 Nimitz Highway, Honolulu, HI, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including the Hawaiian Islands National Wildlife Refuge within the National Wilderness Preservation System. The wilderness proposal consists of approximately 303,936 acres within Hawaiian Islands National Wildlife Refuge, which is located in Honolulu, Hawaii.

A study summary containing a map and information about the Hawaiian Islands Wilderness proposal may be obtained from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 15, 1973.

F. V. SCHMIDT,
Deputy Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 15, 1973.

[FR Doc.73-3274 Filed 2-20-73;8:45 am]

Office of the Secretary

[INT FES 73-9]

5-YEAR EXTENSION FOR RESEARCH AND DEVELOPMENT PROJECTS AND PROGRAMS

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior, Office of Saline Water has prepared a final environmental statement for its 5-year extension (from fiscal years 1973-77) of research and development projects and programs, Public Law 92-60.

Copies are available for inspection at the following location: Office of Saline Water, Room 5026, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-6888.

Single copies may be obtained by writing the Office of Saline Water. In addition copies are available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: February 12, 1973.

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

[FR Doc.73-3219 Filed 2-20-73;8:45 am]

[INT DES 73-6]

PROPOSED WILDERNESS CLASSIFICATION FOR BANDELIER NATIONAL MONUMENT, N. MEX.

Notice of Availability of Revised Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a revised draft environmental statement for Proposed Wilderness Classification for Bandelier National Monument, N. Mex., and invites written comment within forty-five (45) days of this notice. Written comment should be addressed to the Director, Southwest Region or to the Superintendent, Bandelier National Monument at the addresses given below.

The revised draft environmental statement considers the designation of 21,110 acres of Bandelier National Monument as wilderness.

Copies are available from or for inspection at the following locations:

Office of the Director, Southwest Region, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, NM 87501.
Office of the Superintendent, Bandelier National Monument, Los Alamos, N. Mex. 87544.

Dated: February 12, 1973.

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

[FR Doc.73-3220 Filed 2-20-73;8:45 am]

COMMERCE DEPARTMENT

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-3 632 385, Carbon composite structures and method for making same, filed March 17, 1970, patented January 4, 1972. Not available NTIS.

Patent-3 633 597, Flow rate control method. Filed May 28, 1970, patented January 11, 1972. Not available NTIS.

Patent-3 633 665, Heat Exchanger using thermal convection tubes. Filed May 11, 1970, patented January 11, 1972. Not available NTIS.

Patent-3 638 032, Fast-acting magnetic switching device for high-level electrical signals and diverter incorporating same. Filed February 4, 1970, patented January 25, 1972. Not available NTIS.

Patent-3 646 309, Self-adaptive welding torch controller. Filed January 26, 1971, patented February 29, 1972. Not available NTIS.

Patent-3 646 330, Continuous digital ratemeter. Filed May 28, 1970, patented February 29, 1972. Not available NTIS.

Patent-3 656 063, Digital frequency comparator. Filed April 29, 1970, patented April 11, 1972. Not available NTIS.

Patent-3 660 031, Method for preparing boron suboxide. Filed March 9, 1971, patented May 2, 1972. Not available NTIS.

Patent-3 660 047, Production of plutonium formate and plutonium dioxide. Filed March 18, 1970, patented May 2, 1972. Not available NTIS.

Patent-3 661 061, picture position finder. Filed May 5, 1969, patented May 9, 1972. Not available NTIS.

Patent-3 661 267, solid filters. Filed November 3, 1970, patented May 9, 1972. Not available NTIS.

Patent-3 661 709, nonswelling uranium nitride fuel. Filed April 6, 1970, patented May 9, 1972. Not available NTIS.

Patent-3 662 042, method of making a nuclear reactor fuel element of uranium mononitride in a refractory metal matrix. Filed September 25, 1970, patented May 9, 1972. Not available NTIS.

Patent-3 662 781, sodium heated steam generator. Filed March 2, 1971, patented May 16, 1972. Not available NTIS.

Patent-3 663 504, radiation-resistant plastic insulators. Filed November 10, 1970, patented May 16, 1972. Not available NTIS.

Patent-3 664 859, pulsed method for impregnation of graphite. Filed March 4, 1969, patented May 23, 1972. Not available NTIS.

Patent-3 665 752, vibration density meter comprising nodal circle supported resonant disk. Filed June 9, 1970, patented May 30, 1972. Not available NTIS.

Patent-3 666 426, continuous process for the production of high-density thoria. Filed May 1, 1969, patented May 30, 1972. Not available NTIS.

Patent-3 666 443, plutonium production. Filed November 5, 1969, patented May 30, 1972. Not available NTIS.

Patent-3 666 560, Electrochemical power-producing cell. Filed September 21, 1970, patented May 30, 1972. Not available NTIS.

Patent-3 666 673, Method of disposing of radioactive organic waste solutions. Filed December 24, 1969, patented May 30, 1972. Not available NTIS.

Patent-3 666 784, Process for preparing a,a-fluorinated alkyl isocyanates. Filed August 27, 1969, patented May 30, 1972. Not available NTIS.

Patent-3 666 846, Process of forming an isotopic heat source. Filed April 11, 1969, patented May 30, 1972. Not available NITS.

Patent-3 666 953, Up-down counter for background compensation. Filed August 18, 1970, patented May 30, 1972. Not available NTIS.

Patent-3 667 058, Electrostatice accelerated-charged-particle deflector. Filed April 8, 1970, patented May 30, 1972. Not available NTIS.

Patent-3 667 059, All-metal discharge tube. Filed March 9, 1971, patented May 30, 1972. Not available NTIS.

Patent-3 668 065, Apparatus for the conversion of high temperature plasma energy into electrical energy. Filed September 15, 1970, patented June 6, 1972. No available NTIS.

Patent-3 670 648, Linear structure capturing and cutting apparatus. Filed August 14, 1970, patented June 20, 1972. No available NTIS.

Paent-3 671 385, Fibrous carbonaceous composites and method for manufacturing same. Filed June 17, 1970, patented June 20, 1972. Not available NTIS.

Patent-3 673 327, Touch actuable data input panel assembly. Filed November 2, 1970, patented June 27, 1972. Not available NTIS.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Pat-Appl-263559, Synthesis of N5-methyltertrahydro-homofolic acid and related reduced derivatives of homofolic acid. Filed June 16, 1972. PC $3/MF $0.95.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Pat-Appl-291845, Arterial pulse wave pressure transducer. Filed September 25, 1972. PC $3/MF $0.95.

Pat-Appl-178771, Anti-fog composition. Filed September 8, 1971. PC $3/MF $0.95.

Pat-Appl-304705, Pulse code modulated signal synchronizer. Filed November 8, 1972. PC $3.50/MF $0.95.

Pat-Appl-292698, Electromagnetic wave energy converter. Filed September 27, 1972. PC $3/MF $0.95.

Pat-Appl-292685, Turnstile slot antenna. Filed September 27, 1972. PC $3/MF $0.95.

Pat-Appl-293725, Star scanner. Filed September 29, 1972. PC $3.25/MF $0.95.

Pat-Appl-304430, Conductive elastomeric Extensometer. Filed November 7, 1972. PC $3/MF $0.95.

Pat-Appl-289049, Attitude sensor. Filed September 14, 1972. PC $3/MF $0.95.

Pat-Appl-285705, Digital controller for a Baum folding machine. Filed September 1, 1972. PC $3.75/MF $0.95.

Pat-Appl-301039, Latch mechanism. Filed October 26, 1972. PC $3.25/MF $0.95.

Pat-Appl-293739, Passive dual spin misalignment compensators. Filed September 29, 1972. PC $3/MF $0.95.

Pat-Appl-281875, Method and apparatus for determining thermophysical properties of specimens. Filed August 18, 1972. PC $3/MF $0.95.

[FR Doc.73-3256 Filed 2-20-73;8:45 am]

Office of Import Programs

NATIONAL BUREAU OF STANDARDS

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

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

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

Docket No. 73-00181-90-61195. Applicant: National Bureau of Standards, B360 Building 224, Washington, D.C. 20234. Article: I.G.T. Printability tester, Universal Model. Manufacturer: Rudolph-Meinjen's, Inc., The Netherlands. Intended use of article: The article is being used by the applicant in investigations conducted in cooperation with other laboratories to standardize the testing of the printability of printing papers by each participant and thereby provide results which can be meaningfully compared.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The procedure which the applicant intends to use in evaluation and verification of a proposed standard is an empirical or experimental method. The effect of varying this procedure by substitution of the steps, materials or instruments to be used (including the foreign article) is unpredictable. The article is, therefore, pertinent to the applicant's intended purposes. We know of no comparable instrument which is scientifically equivalent for the application's intended purpose.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

is intended to be used, which is being manufactured in the United States.

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

[FR Doc.73-3255 Filed 2-20-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CANNED APRICOTS DEVIATING FROM IDENTITY STANDARDS

Amendment to Temporary Permit for Market Testing

In the FEDERAL REGISTER of July 3, 1971 (36 FR 12704) notice was given of the issuance of a temporary permit to the NCC Food Corp., 1657 Rollins Road, Burlingame, Calif. 94010, to cover limited interstate marketing tests of canned apricots deviating from the standard of identity for canned apricots (21 CFR 27.10).

The NCC Food Corp. has requested an amendment to the temporary permit to provide for an extension of the time provided for the market test and to permit the use of apple juice in combination with white grape juice from concentrates reconstituted to approximately 12° Brix and 18° Brix respectively as the packing medium. The food is to be packed in 360,000 8-ounce cans and 540,000 No. 303 cans the principal display panel of the label of which shall bear the statement "Packed in clear juices of white grapes and apple juice from concentrates".

In the FEDERAL REGISTER of November 8, 1972 (37 FR 23730) notice was given that the National Canners Association (NCA) 1133 20th Street NW., Washington, DC 20038, had filed a petition proposing amendments to 21 CFR 27.10 which would encompass the food covered by the temporary permit issued to the NCC Food Corp. Pending final action on NCA's proposal, the Commissioner concludes that it would be in the interest of consumers to grant the amendment to the temporary permit requested by the NCC Food Corp. The temporary permit, as amended, shall terminate either on the effective date of an affirmative order or 30 days after a negative order ruling on NCA's proposal.

Pursuant to the amendments to 21 CFR 10.5 proposed at 37 FR 26340, the Commissioner invites all other interested persons to participate in the extended market test under the conditions set forth above. Any interested person who accepts this invitation to participate in the extended market test shall, prior to shipping the test food in interstate commerce, notify the Commissioner in writing of that fact, the amount to be distributed and the area of distribution; and, along with such notification, he shall submit the labeling under which the food is to be distributed.

Dated: February 12, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-3260 Filed 2-20-73;8:45 am]

National Institutes of Health

PRESIDENT'S CANCER PANEL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the President's Cancer Panel, February 22, 1973, at 9:30 a.m., National Institutes of Health, Building 31, Conference Room 11A10. This meeting will be open to the public from 9:30 a.m. to 12:30 p.m., to discuss Cancer Centers, the Cancer Control Program and the March National Cancer Advisory Board Meeting Agenda, and closed to the public from 2 p.m. to 3 p.m., in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301/496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. James A. Peters, Acting Director, Division of Cancer Cause and Prevention, National Institutes of Health, Bethesda, Md. 20014 (301/496-6618) will provide substantive program information.

February 13, 1973.

JOHN F. SHERMAN,
Acting Director, NIH National Institute of Health.

[FR Doc.73-3286 Filed 2-20-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

ARAPAHOE COUNTY AIRPORT; GREENWOOD VILLAGE, COLO.

Commissioning of Airport Traffic Control Tower

Notice is hereby given that on or about April 4, 1973, the Airport Traffic Control Tower at Arapahoe County Airport, Greenwood Village, Colo., will be commissioned. It will improve the operational flow of terminal traffic consisting predominantly of general aviation aircraft. Communications to the Airport Traffic Control Tower should be addressed as follows:

Airport Traffic Control Tower, Department of Transportation, Federal Aviation Administration, Arapahoe County Airport, 7825 South Peoria Street, Englewood, CO 80110.

Issued in Aurora, Colo., on February 9, 1973.

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

[FR Doc.73-3207 Filed 2-20-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

FEBRUARY 16, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on March 8-10, 1973, at Room 1046, 1717 H Street NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

(1) Thursday, March 8, 10 a.m.-4 p.m.—Application for operating license—Duane Arnold Nuclear Energy Center. (Presentations by regulatory staff and applicant.)

(2) Friday, March 9, 10 a.m.-4 p.m.—Application for construction permit—North Anna Power Station, Units 3 and 4. (Presentations by regulatory staff and applicant.)

In addition to the above agenda items, the Committee will hold executive sessions not open to the public, under the authority of section 10(d) of Public Law 92-463 (the Federal Advisory Committee Act), to consider the above applications and other matters.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items (1) and (2) listed above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked no later than February 28, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee, between the hours of 11 a.m. and 2 p.m. on each day.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 7, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301—973-5651) between 8:30 a.m. and 5:15 p.m. e.s.t.

(e) Questions may be asked only by members of the Committee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for inspection on or after April 24, 1973, at the

Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73-3425 Filed 2-20-73;10:45 am]

[Dockets Nos. 50-329, 50-330]

CONSUMERS POWER CO.

Notice of Oral Argument

In the matter of Consumers Power Co. (Midland Plant, Units 1 and 2), Dockets Nos. 50-329, 50-330.

Notice is hereby given that the oral argument in the above-captioned proceeding, which was previously calendared for Tuesday, February 27, 1973, has now been rescheduled, in accordance with the Atomic Safety and Licensing Appeal Board's order of February 15, 1973, for Tuesday, March 6, 1973, at 10:30 a.m., in Room 309, U.S. Court of Claims, 717 Madison Place NW., Washington, DC 20005.

For the Atomic Safety and Licensing Appeal Board.

Dated: February 15, 1973.

MARGARET E. DUFLO,
Secretary to the Appeal Board.

[FR Doc.73-3264 Filed 2-20-73;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Notice of Availability of Final Environmental Statement for Cooper Nuclear Station

Pursuant to the National Environmental Policy Act of 1969 (NEPA) and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed issuance of an operating license for the Cooper Nuclear Station, in Nemaha County, Nebr., by the Nebraska Public Power District, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Auburn Public Library, 1118 15th Street, Auburn, NE 68305. The Final Environmental Statement is also being made available at the State Office of Planning and Programing, State Capitol, Post Office Box 94601, Lincoln, NE 68509, and the Southeastern Nebraska Joint Planning Commission, Humboldt, Nebr. 68376.

The notice of availability of the Draft Environmental Statement for the Cooper Nuclear Station and requests for comments from interested persons was published in the FEDERAL REGISTER on November 7, 1972 (37 FR 23660). The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 14th day of February 1973.

For the Atomic Energy Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch for, Directorate of Licensing.

[FR Doc.73-3254 Filed 2-20-73;8:45 am]

JOHN R. TOTTER

Certification to Act as Agent on Matters Relating to Biomedical Programs

Pursuant to the proviso contained in section 207 of Title 18 U.S.C. (Public Law 87-849, 76 Stat. 1124), having found that Dr. John R. Totter, formerly Director, Division of Biomedical and Environmental Research, Atomic Energy Commission, and presently an employee of the Union Carbide Corp. at the Oak Ridge National Laboratory (a Government-owned laboratory operated for the Atomic Energy Commission by Union Carbide Corp.), possesses outstanding scientific qualifications, I certify that the national interest would be served by the said Dr. Totter acting as agent for or appearing personally before the Atomic Energy Commission on behalf of the Union Carbide Corp. in connection with the operation of the Oak Ridge National Laboratory by the corporation under its contract No. W-7405-ENG-26 with the Atomic Energy Commission, on matters relating to biomedical programs of the laboratory in which he participated personally and substantially as an employee of the Atomic Energy Commission or which were under his official responsibility as an Atomic Energy Commission employee.

This certification is directed to be published in the FEDERAL REGISTER.

Date: February 14, 1973.

R. E. HOLLINGSWORTH,
General Manager.

[FR Doc.73-3377 Filed 2-20-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

INDIANA STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana State Advisory Committee will convene at 8 p.m. on February 22 and at 12 noon on February 23, 1973, in Room 106, University of Notre Dame, Center for Continuing Education, Notre Dame, Ind. 46556. This meeting shall be open to the public and the press.

The purposes of this meeting shall be to (1) discuss reorganization and new membership of the Indiana Committee; (2) hear a report on preliminary investigations at Black Oak and Marion, Ind.; and (3) discuss new projects to be undertaken by the Committee.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., February 12, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-3400 Filed 2-20-73;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan State Advisory Committee will convene at 12:30 p.m. on February 22, 1973, at the Office of People-Acting-for-Change-Together (PACT), 163 Madison Street, Detroit, MI 48226. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to review a followup report on plans for a Conference on State and Local Human Relations Commissions.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., February 12, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-3401 Filed 2-20-73;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey State Advisory Committee will convene at 7:30 p.m. on February 22 ,1973, in Room 730, Federal Building, 970 Broad Street, Newark, NJ 08861. This meeting shall be open to the public and the press.

The purposes of this meeting shall be to prepare a timetable for the development of a proposed open meeting on New Jersey prison problems and select correctional institutions to be studied in the State.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., February 13, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-3403 Filed 2-20-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ID-1678, etc.]

NOTICE OF APPLICATIONS FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS

FEBRUARY 12, 1973.

Take notice that each of the Applicants listed herein has filed on the stated date an application pursuant to section 305(b) of the Federal Power Act and Part 45 of the regulations issued thereunder, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

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, 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.

ID-1678 Elliott G. Whitney.	Oct. 30, 1972	Green Mountain Power Corp. Vermont Yankee Nuclear Power Corp.
ID-1137 Horace J. Lyne.	Oct. 2, 1972	Central Vermont Public Service Corp. Connecticut Valley Electric Co., Inc. Vermont Yankee Nuclear Power Corp.
ID-1309 Glen M. McKibben.	Oct. 30, 1972	Green Mountain Power Corp. Vermont Electric Power Co. Vermont Yankee Nuclear Power Corp.
ID-1427 William H. Dunham.	Oct. 24, 1972	Central Maine Power Co. Maine Yankee Atomic Power Co. Maine Electric Power Co., Inc. Vermont Yankee Nuclear Power Corp. Connecticut Yankee Atomic Power Co. Yankee Atomic Electric Co.
ID-1624 John F. G. Eichorn, Jr.	Oct. 5, 1972	Maine Yankee Atomic Power Co. Vermont Yankee Nuclear Power Corp. Montaup Electric Co.
ID-1647 Clifton F. Rogers	Nov. 13, 1972	Upper Peninsula Power Co. Upper Peninsula Generating Co.
ID-1677 Howard M. Smith	Oct. 30, 1972	Green Mountain Power Corp. Vermont Electric Power Co.
ID-1676 James E. Griffin.	Oct. 24, 1972	Central Vermont Public Service Corp. Connecticut Valley Electric Co., Inc. Vermont Electric Power Co., Inc.
ID-1405 Charles F. Morgan.	Dec. 4, 1972	Atlantic City Electric Co. Deepwater Operating Co.
ID-1681 Floyd F. Ludwig	Nov. 21, 1972	Central Maine Power Co. Maine Electric Power Co., Inc.
ID-1682 Frederick Lange.	Dec. 4, 1972	Atlantic City Electric Co. Deepwater Operating Co.
ID-1680 H.G. Pattillo.	Nov. 10, 1972	Georgia Power Co., Cutler-Hammer, Inc.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3237 Filed 2-20-73;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-REGULATION AND LEGISLATION

Order Designating Alternate FPC Survey Coordinating Representative and Secretary

FEBRUARY 12, 1973.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. Alternate FPC Survey Coordinating Representative and Secretary. The new Alternate FPC Survey Coordinating Representative and Secretary to the Supply-Technical Advisory Task Force-Regulation and Legislation, as selected by the chairman of the Commission with the approval of the Commission, is as follows:

Robert W. Perdue, Assistant General Counsel, Office of General Counsel Federal Power Commission.

Mr. Perdue is to fill the position vacated by Leo E. Forquer, Federal Power Commission, from this position on this Task Force.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3252 Filed 2-20-73;8:45 am]

[Dockets Nos. E-7738, E-7784]

BOSTON EDISON CO.

Notice of Further Extension of Time and Postponement of Hearing

FEBRUARY 12, 1973.

On January 26, 1973, Staff Counsel filed a motion for extension of service dates as established by order issued July 28, 1972 (37 FR 15755, August 4, 1972), and modified by notice issued January 4, 1973 (38 FR 1409, January 12, 1973).

Upon consideration, notice is hereby given that the service dates are further modified as follows:

Staff Service Date, February 16, 1973.
Interveners Service Date, March 2, 1973.
Company Rebuttal Service Date, March 16, 1973.
Prehearing Conference, March 27, 1973 (10 a.m., (e.s.t.).
Hearing, April 3, 1973 (10 a.m., (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3235 Filed 2-20-73;8:45 am]

[Docket No. CI73-494]

COLUMBIA GAS DEVELOPMENT CORP.

Notice of Application

FEBRUARY 12, 1973.

Take notice that on January 22, 1973, Columbia Gas Development Corp. (Applicant), Post Office Box 1350, Houston, TX 77001, filed in Docket No. CI73-494 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 Columbia Gas Transmission Corp. (Columbia Transmission) from the Block 292 Field, Eugene Island Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Columbia Transmission at an initial rate of 45 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment. The basic contract for the subject sale, dated January 15, 1973, provides for price escalations of 1 cent per Mcf per year, for reimbursement to the seller for 100 percent of all additional or increased taxes as defined in the contract, and for a term of 20 years.

Applicant asserts that for the gas reserves dedicated to the subject contract a minimum price of 45 cents per Mcf must be obtained. Applicant states that the gas industry is having great difficulty in raising adequate outside funds to meet the increasing costs of lease acquisition and exploratory programs and that higher prices like the present one will help overcome this reluctance of investors to commit funds towards offshore Louisiana projects.

Applicant believes that the proposed price will help provide a cash flow and develop earnings that will attract necessary capital to its gas exploration program. Applicant, which is affiliated with the purchaser, indicates that the 45-cent price is the same as the contract price under Columbia Transmission's contracts with certain nonaffiliated independent producers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 5, 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.73-3236 Filed 2-20-73;8:45 am]

[Docket Nos. RP71-18, etc. et al.]

COLUMBIA GAS TRANSMISSION CORP.

Order Providing for Hearing and Suspending Proposed Increased Rates and Charges Tracking Advance Payments

FEBRUARY 9, 1973.

Columbia Gas Transmission Corp. (Columbia), on January 11, 1973, tendered for filing revised tariff sheets in its FPC Gas Tariff, Original Volume No. 1, proposed to become effective February 10, 1973.[1] The proposd tariff changes would increase jurisdictional rates and charges in the amount of $1,968,226 annually based upon sales for the 12-month period ended October 31, 1972, and are submitted to reflect the inclusion in rate base of an increase in advance payments to producers in the amount of $15,220,148 as of December 31, 1972, over the balance of payments ($124,935,423 as of June 1, 1972) reflected in Columbia's currently effective rates which became effective on November 1, 1972. Article V of Columbia's Stipulation and Agreement, approved by Commission order issued herein on October 19, 1972, permits Columbia to reflect in its rates the net amount of the outstanding balances in its rate base, Account 166, and provides the method for adjusting rates for this purpose.

Copies of the rate filing have been mailed to all jurisdictional customers and interested State commissions. The Commission issued notice of the filing on January 16, 1973, which was published in the FEDERAL REGISTER on January 30, 1973 (38 FR 2794).

The Public Service Commission for the State of New York (New York) filed a notice of intervention[2] in which it objects to one of the advance payments included in the rate filing and requests that the Commission provide for hearing to consider such objections which involve Columbia's agreement, dated November 16, 1972, to advance $7.5 million to Getty Oil Co. New York indicates that, as stated in Schedule No. 4 to the filing, Getty has the option to receive gas for its own use in a quantity not to exceed 50 percent of the gas reserves. If Getty exercises the option, it is required to refund to Columbia, without interest, a proportionate part (based upon the acreage reserved) of the $7.5 million less any repayments. New York points out that Order No. 441[3] does not provide for repayment of all advances with interest and it urges that there is no justification for Getty to secure such an interest-free loan for gas reserves retained for its own use.

Our review of the advances agreement with Getty as well as the pleadings associated therewith raises issues which may require development in evidentiary proceedings. The Getty agreement and the rate increase associated therewith has not been shown to be justified and may be unjust, unreasonable, preferential or otherwise unlawful. Article V of Columbia's Stipulation and Agreement provides for a one day suspension of and a hearing on a rate change associated with an advances agreement whenever the justness and reasonableness thereof is questioned. We find this to be the appropriate procedure to be followed in this instance.

Our review of the agreement between Columbia and Resource Exploration, Inc. (Resource) indicates that there is no provision whereby Columbia shall fully recoup the advance within 5 years of the date gas deliveries commence from Resource or from the date such advance is declared to be nonrecoverable, as required by Order No. 441. Therefore, we shall allow rate base treatment of the advance to Resource subject to the condition in the event Columbia, within 5 years (or such other period as may be authorized by the Commission) from the date gas deliveries commence, recoups less than the full amount of its advances to Resource, Columbia shall file and place into effect a change in its jurisdictional rates to give effect to the cost of service decrease relative to elimination of the unrecovered portion of the advances from rate base.

Columbia's Stipulation and Agreement provides that rate increases under the advance payment tracking provision be recovered by equal charges to the demand and commodity portions of Columbia's rates. Opinion 600-A held that all production costs should be classified as commodity costs as per Atlantic Seaboard Corporation, et al., 11 FPC 43 (1952). Since Columbia's Stipulation and Agreement has already been approved by this Commission, we shall make no modifications to it at this time. However upon consideration of future advance payment tracking proposals we shall review the matter of whether advance payments should be recovered by assignment of 100 percent of such costs to the commodity component of pipeline rates.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Columbia's FPC Gas Tariff as proposed to be modified by that part of the rate filing tendered by it on January 11, 1973, which deals with the advances agreement with Getty Oil Co.

(2) The remainder of Columbia's tendered filing shall be accepted for filing and made effective as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearing be held, commencing with a prehearing conference May 15, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, concerning the lawfulness of the rates and charges contained in Columbia's FPC Gas Tariff, as proposed to be amended by its rate filing described above. The issues to be heard in such hearings shall be limited to those involved in Columbia's agreement with Getty Oil Co.

(B) Pending such hearing and decision thereon the increased rates associated with the Getty agreement advance being included in Columbia's rate base are accepted for filing, suspended and the use thereof deferred until February 11, 1973, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Columbia, on or before March 16, 1973, shall file and serve upon all parties its prepared testimony and exhibits as its direct case in this proceeding.

(D) On or before April 3, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all interveners shall be served on or before April 17, 1973. Any rebuttal evidence by Columbia shall be served on or before May 1, 1973. Cross-examination of the evidence filed will commence May 15, 1973.

(E) The increased rates associated with the Resource agreement advance being included in Columbia's rate base is accepted for filing and approved effective February 10, 1973: *Provided, however,* In the event Columbia, wtihin 5 years (or such other period as may be

[1] Sixth Revised Sheet No. 16 and First Revised Sheets Nos. 16A, 16B, 16C, 16D, and 16E.

[2] All parties previously permitted to intervene in these consolidated proceedings are deemed parties in the hearings hereinafter provided.

[3] Order No. 441, issued Nov. 10, 1971, in Docket No. R-411 (46 FPC 1178).

authorized by the Commission) from the date gas deliveries commence, recoups less than the full amount of its advances to Resource, Columbia shall file and place into effect a change in its jurisdictional rates to give effect to the cost of service decrease relative to elimination of the unrecovered portion of the advances from rate base.

(F) That portion of the increased rates which are not the result of the Getty or Resource advances being included in Columbia's rate base are accepted for filing and approved, effective February 10, 1973, as requested.

(G) The rate increase made effective in this case has been reviewed in the light of the Economic Stabilization Act of 1970 as amended, Executive Order 11695, and the rules and regulations issued thereunder, and is consistent therewith.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73-3231 Filed 2-20-73;8:45 am]

[Docket No. CI73-522]

CONTINENTAL OIL CO.

Notice of Application

FEBRUARY 13, 1973.

Take notice that on February 5, 1973, Continental Oil Co. (Applicant), Post Office Box 2179, Houston, TX 77001, filed in Docket No. CI73-522 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 Arkansas Louisiana Gas Co. (Arkla) from the South Sweet Water Area, Beckham County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Arkla from the South Sweet Water Area at an initial price of 42 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment. The basic contract for the subject sale dated December 14, 1972, provides for one-half cent per Mcf price escalations each year and for reimbursement to the seller of 75 percent of all new taxes. The contract is to continue in effect for 20 years and from year to year thereafter on agreement by the parties. Said contract also provides that if Applicant does not deliver gas at the required pressure and Arkla installs compression facilities to increase the pressure, then Arkla may deduct 0.75 cent per Mcf for one stage of compression and 1.5 cents per Mcf for two stages of compression.

Applicant alleges that the initial price in the subject contract is lower than prices sought and paid for sale of liquefied natural gas to be used as supplements to peak load demands; is lower than estimated prices for sales of synthetic pipeline gas, coal gasification process gas, and gas to be used from the Alaskan and Canadian areas; is lower than current prices being paid for intrastate gas; and is lower in cost than alternative fuels.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 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.73-3234 Filed 2-20-73;8:45 am]

[Docket No. E-8008]

FLORIDA POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 12, 1973.

Take notice that Florida Power & Light Co. (FPL) on January 29, 1973, tendered for filing copies of FPC Electric Tariff Original Volume No. 1 of FPL.

FPL states that the proposed changes filed increase the rates for wholesale electric service rendered by it to municipal and rural cooperative systems, and provide General Terms and Conditions for Wholesale Electric Power Service to those customers. FPL further states that the filing contains a new form of service agreement and attachment thereto.

The company says that the filing seeks to establish a uniformity of terms and conditions and to provide a Tariff form of filing in lieu of the present individual contract type filings. FPL states that since the present contracts do not have uniform termination provisions, the contracts with two cooperative customers terminated during 1972, and the remaining contracts are due to terminate at various dates in 1973 and 1974, as indicated on the Index of Purchasers of page 23 of the Tariff. The company proposes that the changes provided for become effective April 1, 1973, for the two cooperative customers whose contracts have terminated, and that the changes for the remaining cooperative and municipal customers become effective upon expiration of the existing contracts as shown on the Index of Purchasers. FPL states that new contracts will be executed upon termination of existing canceled contracts. FPL says that all contracts executed in the future would conform to the Tariff in all respects; however, as noted above, service will continue to be furnished under the existing rate schedule and rules and regulations until the termination date of said contracts and execution of new contracts.

Under the present rates the company contends that it is earning, based on the test year 1971, a rate of return from service to the municipal customers of only 6.86 percent and 5.10 percent from the rural cooperative customers. FPL argues that the proposed rates will enable the company to have the opportunity to earn from this service a rate of return more nearly appropriate to that required to attract the necessary amounts of capital which must be available to the company if it is to continue to provide adequate service to these and other customers.

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 26, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-3238 Filed 2-20-73;8:48 am]

[Docket No. CP73-209]

LONE STAR GAS CO.

Notice of Application

FEBRUARY 13, 1973.

Take notice that on February 6, 1973, Lone Stone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP73-209 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the operation of

certain facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon its entire Line F–2 pipeline system, located in Denton and Collin Counties, Tex., from interstate operations, and to initiate total intrastate service to the Line F–2 pipeline system from Applicant's intrastate Line D–9. It is stated that the Line F–2 facilities presently provide gas service to McKinney, Celina, Prosper, Frisco, and Allen, Tex., as well as to several right-of-way customers.

Applicant also states that the cost of the proposed abandonment of its Line F–2 pipeline system and the initiation of service to customers now served by that pipeline, with service from Applicant's Line D–9, will be nominal. Such costs will be charged to operating expenses.

It is stated that the proposed abandonment is due to diminishing interstate gas supplies. It is also stated that the proposed abandonment of the Line F–2 facilities will not result in the abandonment or reduction of natural gas service to any of Applicant's customers and that there are adequate and readily available intrastate supplies of gas from Applicant's 18-inch D–9 pipeline to serve such customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3239 Filed 2-20-73;8:45 am]

[Docket No. CP73-114]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Amendment to Application

FEBRUARY 12, 1973.

Take notice that on January 31, 1973, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP73–114 an amendment to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities. The amendment to the application is on file with the Commission and open to public inspection.

In the original application, Applicant proposed to transport and deliver increased quantities of gas by the construction and operation, among other things, of 13.5 miles of 36-inch loop line that would cross Tennessee Valley Authority's recreational wildlife development project in Trigg and Lyon Counties, Ky., and Kentucky Lake and Lake Barkley in Kentlake State Resort Park, Marshall County, Ky., as well as 13.1 miles of 36-inch loop line, a portion of which would cross portions of the Hoosier National Forest in Lawrence, Jackson, and Brown Counties, Ind., including the Monroe Reservoir area. In the amendment to the application, Applicant proposes to substitute the folowing segments of loop line for those loop lines originally proposed and noted above:

11.1 miles of 36-inch loop line as an extension of the existing loop line on the discharge side of Applicant's Cottage Grove Compressor Station;

13.3 miles of 36-inch loop line on the suction side of Applicant's Shelbyville Compressor Station;

16.1 miles of 36-inch loop line on the discharge side of Applicant's Shelbyville Compressor Station.

Applicant states that this relocation of looping will not change the capacity of Applicant's main line transmission system from that proposed in the original application.

In the original application, Applicant also filed schedules entitled "Summary of Proposed Changes in Maximum Daily Quantities by Rate Schedules for the Contract Year Commencing September 1, 1973", "Allocation of 27,375 MMcf of Firm Annual Supply to Rate Schedule ACQ and MDQ Customers", and "Summary of Actual Maximum Day Sales and Maximum Daily Quantities". It is stated that none of the original schedules reflected changes in maximum daily quantities for certain of Applicant's customers effective November 1, 1972, pursuant to Commission's order issued January 3, 1973, in Docket No. CP72–175. In the amendment to the application, Applicant submits similar captioned schedules reflecting these changes and states that the revised schedules do not affect the maximum daily quantities or annual purchase entitlements for the contract year commencing September 1, 1973, as proposed in the original application.

On December 20, 1972, the city of Huntingburg, Ind., filed a petition to intervene in the instant proceeding and an application in Docket No. CP73–164 pursuant to section 7(a) of the Natural Gas Act requesting the Commission to order Applicant to allocate 2,000 Mcf of gas per day to the city. In the amendment to the application, Applicant states that it would accept a certificate issued by the Commission and conditioned upon a pro rata reduction among Applicant's customers, in the increased volumes allocated to them, to the extent, if any, required to satisfy whatever order the Commission may issue in response to the city of Huntingburg's application pursuant to section 7(a) in the above-mentioned docket. Applicant also states that it will file a motion ofr the separate consideration of the issues raised by the city of Huntingburg's application.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 6, 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. Persons who have heretofore filed petitions to intervene in this proceeding need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3240 Filed 2-20-73;8:45 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Filing of Stipulation and Agreement and Revised Tariff Sheets

FEBRUARY 8, 1973.

Take notice that on February 5, 1973, Natural Gas Pipeline Co. of America (Natural) filed a motion requesting approval of a proposed stipulation and agreement to terminate the proceedings in Docket No. RP72–132 and certain revised tariff sheets related thereto. Natural states the submitted agreement is the result of discussions among Natural, the Commission staff, and interested parties in the above-entitled proceedings.

The stipulation and agreement, among other things as more fully set forth

therein, provides for a reduction in rates below those which are presently in effect subject to refund in the above-captioned proceedings, and sets forth refunds by Natural for the excess which has been collected above rates set forth in the stipulation and agreement; and provides for changes in the settlement rates to track the cost of service effect of advance payments and research and development expenses and capital expenditures incurred by Natural.

The purpose of the revised tariff sheets, to be effective as of December 1, 1972, is to implement the rate reductions and related changes in the base average purchased gas cost of the purchased gas cost adjustment provision of Natural's tariff, as provided for in the stipulation and agreement.

Copies of the stipulation and agreement and tariff sheets were served on all parties to the proceedings in Docket No. RP72-132. Comments with respect to the proposed stipulation and agreement may be filed with the Commission on or before March 1, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3241 Filed 2-20-73;8:45 am]

[Docket No. CP73-199]

NEW ENGLAND LNG CO., INC.

Notice of Application

FEBRUARY 13, 1973.

Take notice that on January 26, 1973, New England LNG Co., Inc. (Applicant), 95 East Merrimack Street, Lowell, MA 01853, filed in Docket No. CP73-199 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of liquefied natural gas (LNG) for resale by distributing companies in New England and New York, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has contracted with Eascogas LNG, Inc. (Eascogas), to purchase LNG over a 22-year period in accordance with a contract dated September 7, 1972, and subject to the Commission's approval of said sale by Eascogas. Applicant further states that pursuant to said contract Applicant will purchase increasing annual volumes of LNG, with an initial purchase of 7,742,306,000,000 B.t.u. of LNG for the first 2 years, increasing to 15,711,691,000,000 B.t.u. of LNG in the later years.

Applicant proposes to use the gas purchased from Eascogas to provide winter service to present and prospective customers. It is stated that such winter service will be provided at an estimated initial rate of $1.50 per MM B.t.u. of LNG, f.o.b. Providence, R.I. Applicant also proposes to sell and deliver to Consolidated Edison Co. (Con Ed) during the summer months approximately 50 percent of the LNG, at a rate equal to Applicant's cost, estimated to be 91 cents per MM B.t.u. of LNG. It is stated that the proposed winter sales are necessary in order to enable Applicant's customers and prospective customers to meet their market requirements, and the proposed summer sales will be used by Con Ed to supplement Con Ed's other supplies in meeting operating needs, including minimization of air pollution in the New York area.

Applicant states that the gas purchased from Eascogas will be transported and delivered to the facilities of customer distributing companies either by pipeline exchange arrangements, oceangoing barge, or by over-the-road, cryogenic tanker semitrailers operated by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 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 for the proposed abandonment 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.73-3243 Filed 2-20-73;8:45 am]

[Docket No. E-7917]

NEW ENGLAND POWER CO.

Notice of Filing of Contract Amendments

FEBRUARY 12, 1973.

Take notice that on June 16, 1972, New England Power Service Co., on behalf of New England Power Co. (NEPCO), filed in Docket No. E-7917 a proposed amendment to Exhibit D of the company's contract for primary service for resale to Massachusetts Electric Co. (Masselec). The subject contract is on file with the Commission as NEPCO's rate schedule No. 162.

NEPCO states that the company and certain of its customers have conferred at length and have mutually committed themselves to undertake specified changes in the Primary Contracts. The major thrust of this commitment is to effect certain changes in power supply arrangements which will allow the customer, at his option, to purchase, lease or build those low tension facilities necessary to enable him to reach the standard delivery point under the terms of the company's standard primary contract.

NEPCO further states that representatives of the company and the Power Planning Committee of the Municipal Electric Association of Massachusetts conjunctively reviewed the company's so-called "Red Book". This document, which is comprised of those facilities owned by Masselec that are used to serve certain of the company's municipal customers, for which the company reimburses Masselec for its annual charges associated with said facilities, has become inaccurate, to a minor degree, in certain of its details. To the extent necessary to correct these inaccuracies, duplicate copies of the "Red Book" were also submitted as part of the filing in this docket.

The net effect of the proposed amendments, both as to the rearrangement of power supply facilities and the "Red Book", would be to increase the facilities charges payable by NEPCO to Masselec by $11,441 per month. NEPCO requests that the proposed amendments be permitted to become effective as of August 1, 1972.

Any person desiring to be heard with reference to NEPCO's filing in this docket should file a petition to intervene or protest with the Federal Power Commission, 441 G Street, Washington, DC 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 2, 1973. 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 the proceeding must file a petition to intervene in accordance with the Commission's rules. NEPCO's proposed contract amendments are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3242 Filed 2-20-73;8:45 am]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Notice of Purchased Gas Adjustment Rate Filing

FEBRUARY 12, 1973.

Take notice that on January 22, 1973, North Penn Gas Co. (North Penn) tendered for filing pursuant to section 14

(PGA Clause) of the general terms and conditions of its tariff, 29th Revised Sheets Nos. 4 and 5 and Second Revised Sheet No. PGA–1 to its FPC Gas Tariff, First Revised Volume No. 1.

North Penn states that its revised tariff sheets reflect a decrease of 0.098 cents per Mcf in the presently effective rates due to the following supplier rate changes:

CONSOLIDATED GAS SUPPLY CORPORATION

1. A tracking decrease of 0.44 cents per Mcf filed November 20, 1972, that became effective January 1, 1973.

TENNESSEE GAS PIPELINE CO.

1. A tracking decrease of 1.21 cents per Mcf filed November 20, 1972 that became effective January 1, 1973.

North Penn requests waiver of the provision in its PGA clause requiring filing 45 days in advance of the effective date of a rate change. In addition, North Penn requests waiver of the Commission's regulations to permit the tariff sheets herein described to be made effective January 1, 1973.

The company states that copies of its filing have been mailed to its jurisdictional customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1973. Protests will be considered by the Commission in determining the appropriate action to be takein, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.3244 Filed 2-20-73;8:45 am]

[Docket No. CI70–1108]

NUECES CO.

Order Providing for Hearing and Establishing Procedures

FEBRUARY 9, 1973.

On June 17, 1970, The Nueces Co. (Operator) (Nueces) filed in Docket No. CI70–1108 an application pursuant to section 7(b) of the Natural Gas Act, as implemented by § 157.30 of the Commission's regulations under the Natural Gas Act, for permission and approval to abandon a sale to El Paso Natural Gas Co. (El Paso) under its FPC Gas Rate Schedule No. 3 in the Fort Stockton Field Area, Pecos County, Tex., that was previously authorized in Docket No. CI62–101.

Nueces states that the operation of the three-stage compressors that are necessary to make this sale to El Paso can no longer be economically justified due to the sharp decline over the past 5 years in deliverability of the properties dedicated to this sale along with the simultaneous depletion of recoverable reserves. Nueces purchases gas from various producers at approximately 20 p.s.i.g., gathers and compresses the gas to 840 p.s.i.g. and then sells it to El Paso. Nueces estimates that the remaining recoverable reserves were 2,649,440 Mcf as of January 1, 1972, which indicates 3.3 years of remaining production based upon calendar year 1971 deliveries to El Paso of 803,404 Mcf at 14.65 p.s.i.a.

Because of the allegation of uneconomic operation, an appropriate issue to be explored during the course of this proceeding is what rate increase, if any, would be necessary to make sale and delivery of gas economically feasible.

The Commission finds:

It is desirable and in the public interest to enter upon a hearing concerning the above-mentioned matter.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and regulations under the Natural Gas Act (18 CFR Ch. 1) a public hearing on the issues presented by The Nueces Co.'s application in Docket No. CI70–1108 will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, commencing at 10 a.m., e.s.t., on February 27, 1973.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 315(d)) shall preside at the hearing in this proceeding, and shall prescribe relevant procedural matters not herein provided.

(C) On or before February 16, 1973, The Nueces Co. shall file its direct testimony and evidence in support of its application. All testimony and evidence filed herein shall be served upon the Presiding Administrative Law Judge, Commission Staff, and all other parties.

(D) On February 16, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission a prehearing conference shall be held and the evidence submitted in compliance with this order shall be placed in the record. The prehearing conference shall be adjourned from time to time to permit the parties to attempt to reach an accord on the facts and issues involved herein in order to expedite the hearing procedures and our determination of Nueces' request to abandon the above-mentioned sale to El Paso.

By the Commission. Commissioner Moody dissenting and issuing a separate statement, which is filed as part of the original document.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3245 Filed 2-20-73;8:45 am]

[Docket No. RP73–78]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 12, 1973.

Take notice that Orange and Rockland Utilities, Inc. (O&R) on January 31, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. Also included for filing were executed service agreements between O&R and New York State Electric & Gas Corp. (NYSE&G) and wholly owned subsidiary Pike County Light and Power Co. (Pike). The proposed changes would increase revenues from jurisdictional sales and service by $66,194 based on a volume of 36,284,143 Mcf for the 12-month period ending September 30, 1972.

O&R maintains that this rate filing is intended to increase O&R's overall return to 9 percent on its jurisdictional sales to NYSE&&G and Pike for the test year. O&R states that methods of allocation have been altered to reflect accurately O&R's current cost of serving these wholesale customers. In addition, the rates for service delivered under Rate Schedule CS–1 have been altered to reflect a two part demand-commodity rate. The two part rate has removed the necessity of an interruptible rate and therefore O&R proposes in its filing to cancel its tariff, Interruptible Service I–1.

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 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3246 Filed 2-20-73;8:45 am]

[Docket No. E–7618]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Filing of Settlement Agreement

FEBRUARY 13, 1973.

Take notice that on February 5, 1973, Southern California Edison Co. filed with the Commission in the above-entitled proceeding, a settlement agreement with, and a revised R–1 rate schedule relating to electric service to Anza Electric Cooperative, Inc. The R–1 rate is the same as that filed on January 29, 1973, and applicable to Edison's other R–1 customers.

The company states that the proposed R–1 rate under the settlement agreement

is to be made effective as of November 14, 1971.

The Settlement Agreement is on file with the Commission and is available for public inspection. Comments with respect to the Settlement Agreement may be filed with the Commission on or before February 28, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3248 Filed 2-20-73;8:45 am]

[Docket No. RP73-64]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Tariff

FEBRUARY 9, 1973.

Take notice that Southern Natural Gas Co. (Southern), on January 15, 1973, tendered for filing proposed changes in its FPC Gas Tariff, sixth revised volume No. 1, to become effective as of January 1, 1973. The proposed changes are filed pursuant to § 154.38 (d)(4) of the Commission's regulations under the Natural Gas Act and are in response to the Commission's order of December 29, 1972, in which the Commission rejected, without prejudice, Southern's Purchased Gas Adjustment (PGA) clause tendered on December 1, 1972. Southern requests that certain tariff sheets tendered on December 1, 1972, be incorporated with the tariff sheets tendered on January 15, 1973, to form the complete Purchased Gas Adjustment (PGA) clause.

Southern states that in order to meet the Commission's objections to its December 1, 1972, filing, it has eliminated the rate increase previously proposed to become effective on January 1, 1973, has eliminated company-owned production from leases acquired prior to October 7, 1969, from the operation of the PGA clause, and has clarified the proposed effective dates of surcharge adjustments which are to be made on January 1 and July 1 of each year. Southern requests that the Commission waive the notice requirements of § 154.22 of the Commission's regulations and permit the proposed tariff changes to become effective as of January 1, 1973.

Copies of the filing have been mailed to 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 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3247 Filed 2-20-73;8:45 am]

[Docket No. CP73-207]

SOUTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 13, 1973.

Take notice that on February 5, 1973, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP73-207 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities by sale and by retirement, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by sale to the city of La Grange (La Grange), Ga., approximately 1.43 miles of Applicant's 4-inch lateral pipeline, extending from a point on Applicant's 8-inch Auburn-Grantville line in Troup County, Ga., to a point within the city limits of La Grange, and the South La Grange Meter Station property located at the terminus of the lateral proposed to be sold. Applicant also proposes to abandon by retirement the meter station facilities that are located at the terminus of the lateral line proposed to be sold and the regulator station located at the point of intersection between the lateral line proposed to be sold and Applicant's Auburn-Grantville Line.

It is stated that the proposed abandonment will have no effect on Applicant's design daily delivery capacity and that no service will be discontinued or diminished by reason of the proposal. It is further stated that La Grange will employ the lateral as a distribution feeder to a bypass route around the city of La Grange.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided, for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3249 Filed 2-20-73;8:45 am]

[Docket No. CP73-200]

UNION LIGHT, HEAT AND POWER CO.

Notice of Application

FEBRUARY 13, 1973.

Take notice that on January 29, 1973, the Union Light, Heat and Power Co. (Applicant), Post Office Box 960, Cincinnati, OH 45201, filed in Docket No. CP73-200 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon liquefied natural gas (LNG) service to Fort Hill Natural Gas Authority (Fort Hill) of Easley, S.C., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order of the Commission dated July 28, 1971, in Docket No. CP71-266 Applicant was authorized to transport and sell for resale a portion of the LNG produced at its LNG plant in Kentucky to Fort Hill, pursuant to an agreement dated July 28, 1971, between the parties. Applicant proposes to abandon said service on January 15, 1974, because of a limited availability of natural gas to Applicant from its sole source of supply, Columbia Gas Transmission Corp. Applicant states that it has been informed that Fort Hill will have available other sources of LNG for peaking to meet the requirements of Fort Hill's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3250 Filed 2-20-73;8:45 am]

[FPC Gas Rate Schedule No. 191, etc.]

UNION OIL CO. OF CALIFORNIA, ET AL.

Notice of Extension of Time for Filing Briefs

FEBRUARY 13, 1973.

On February 9, 1973, United Gas Pipe Line Co. requested a postponement of the dates for the filing of initial and reply briefs as set forth in the order issued January 22, 1973, in the above matter. The request states that all parties support the postponement. On February 12, 1973, Continental Oil Co. also filed a motion for an extension of time to file briefs.

Upon consideration, notice is hereby given that the dates for filing initial briefs and reply briefs are postponed to March 19, 1973, and April 2, 1973, respectively.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3251 Filed 2-20-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST UNION, INC.

Order Approving Acquisition of Bank

First Union, Inc., St. Louis, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Citizens Bank of Pacific, Pacific, Mo. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest bank holding company in Missouri, controls 12 banks with aggregate deposits of $991.9 million, representing 7.9 percent of total deposits of commercial banks in the State. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through Dec. 31, 1972.)

Consummation of the proposed acquisition of Bank ($11.4 million of deposits) would increase Applicant's share of deposits of commercial banks in the State by only 0.1 percentage point and would not significantly increase concentration of bank resources in Missouri.

Bank, the only bank located in the city of Pacific, is the fourth largest of five banks competing in the Pacific banking market (which includes areas adjacent to Pacific) and controls 15 percent of market area deposits. The three larger banks in this market each controls more than 25 percent of area deposits. Bank is located approximately 40 miles southwest of downtown St. Louis, Mo., in which Applicant's lead bank (First National Bank in St. Louis, $795 million of deposits) is located. It appears that no significant competition exists between Bank and Applicant's lead bank or any of Applicant's other subsidiary banks. In view of Bank's small size, the presence of a large number of intervening banks and Missouri's restrictive branching laws, it appears unlikely that any meaningful competition would develop among Bank and any of Applicant's present subsidiary banks. The prospect of Applicant entering Bank's market de novo is unlikely in view of the relatively low population density in Bank's market.

On the record before it, the Board concludes that consummation of Applicant's proposal would not result in a monopoly nor be in furtherance of any combination, conspiracy, or attempt to monopolize the business of banking, nor have any significant anticompetitive effect, in any area of the State.

The financial condition and managerial resources of Applicant and its subsidiaries appear generally satisfactory and future prospects of all seem favorable. The financial condition of Bank is satisfactory and its future prospects appear favorable. Affiliation with Applicant should provide Bank with an adequate source of qualified managerial and technical resources to enable Bank to offer expanded and more efficient banking services. It appears that most of the banking needs of the residents of Bank's market are being met by Bank and other banks in its market. Applicant has expressed its intention to provide a number of specialized services through Bank such as trust, data processing, and automatic teller services. Provision of these and other services should provide benefits to residents of Bank's market. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Board's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before March 14, 1973, or (b) later than May 12, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] effective February 12, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-3222 Filed 2-20-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[DTS 1095.1]

ENVIRONMENTAL IMPACT STATEMENTS

Procedures for Preparation

FEBRUARY 7, 1973.

1. *Purpose.* This order prescribes the procedures to be followed in implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190), hereinafter referred to as the Act, Executive Order 11514 of March 5, 1970, entitled Protection and Enhancement of Environmental Quality, section 309 of the Clean Air Act, as amended, and the Guidelines issued by the Council on Environmental Quality (CEQ), for preparing environmental statements, hereinafter referred to as the Guidelines, published in the FEDERAL REGISTER on April 23, 1971, Volume 36, page 7724, et. seq.

2. *Cancellation.* TCS 1095.1 is canceled.

3. *Background.* a. Section 102 of the Act directs all Federal agencies (1) to develop methods and procedures which will insure that environmental amenities and values are given appropriate consideration in decisionmaking along with economic and technical considerations and (2) to prepare a detailed statement on major Federal actions and recommendations or favorable reports on proposals for legislation that would significantly affect the quality of the human environment. Executive Order 11514 of March 5, 1970, Protection and Enhancement of Environmental Quality, effectuates the purpose and policy of this Act, and Guidelines implementing the Act have been issued by the CEQ. A copy of these Guidelines is included as Attachment 2.[2]

b. Section 309 of the Clean Air Act, as amended, provides that the Administrator of the Environmental Protection Agency (EPA) shall review and comment in writing on the environmental impact of major Federal actions to which section 102(2)(C) of the Act applies when areas of EPA responsibility are significantly affected. Further, section 309

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Sheehan. Absent and not voting: Governors Daane and Bucher.

[2] Attachment 2 is filed with the original document.

requires that all proposed legislation and regulations related or touching upon areas of EPA responsibility must be submitted to the Administrator of EPA for review and comment whether or not section 102(2)(C) applies. (See also paragraph 10, Attachment 1). EPA responsibilities include air and water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

4. *Responsible officials.* The official initially responsible (1) for determining whether an action is "major" and will "significantly affect the quality of the human environment" and (2) for preparation and submission of environmental statements will be the Assistant Commissioner or the Regional Commissioner, ADTS, for those projects and actions within their jurisdiction. Staff support and assistance will be furnished by the Office of the Executive Director.

5. *Procedures.* Implementation procedures are contained in the attachment to this order.

6. *Reports.* The report required by this order is exempt from the reports control program.

HAROLD S. TRIMMER, Jr.,
Acting Commissioner, Automated Data and Telecommunications Service.

ATTACHMENT 1

1. *Determination of what is a "major Federal action significantly affecting the quality of the human environment."* This is in large part a judgment based on the circumstances of the proposed action, and the determination shall be included as a normal part of the decisionmaking process.

a. Types of major Federal actions requiring environmental statements include:

(1) Recommendations or reports relating to legislation with a significant environmental impact;

(2) Administrative actions such as projects and continuing activities with a significant environmental impact supported in whole or in part by a Federal agency through contracts, grants, subsidies, loans, lease permit, license, certificate, or other entitlement for use;

(3) Establishment of environmental policy including regulations and procedure making;

(4) Action with significant environmental impact initiated as a result of projects or programs started prior to January 1, 1970, the date of enactment of the Act; and

(5) Any proposed action which is likely to be environmentally controversial.

b. Actions significantly affecting the human environment can be construed to be those that:

(1) Degrade environmental quality even if beneficial effects outweigh the detrimental ones;

(2) Curtail range of possible beneficial uses of the environment including irreversible and irretrievable commitments of resources;

(3) Serve short-term rather than long-term environmental goals;

(4) May be localized in their effect, but nevertheless, have a harmful environmental impact; and

(5) Are attributable to many small actions, possibly taken over a period of time, that collectively have an adverse impact on the environment.

c. Environmental subject areas include, but are not limited to:

(1) Ecological systems such as wildlife, fish, and other marine life;

(2) Human population distribution changes and its effect upon urban congestion (including vehicular traffic), water supply, sewage treatment facilities, other public services, and threats to health;

(3) Actions which directly and indirectly affect human beings through water, air, noise pollution, and undesirable land use patterns; and

(4) Actions which impact upon the historic, cultural, and natural aspects of our national heritage.

2. *Actions having no environmental impact.* If a proposed action is determined not to be "a major Federal action significantly affecting the quality of the human environment" so as to warrant the preparation of an environmental statement, the responsible ADTS official shall immediately notify the Office of the Executive Director, ADTS, Central Office, in writing, and that office will so advise the Deputy Administrator through the Office of Environmental Affairs (ADF). The Central Office, ADTS, upon concurrence from the Office of Environmental Affairs, will notify the ADTS official when to proceed with the action.

3. *Actions having an environmental impact.* If the responsible ADTS official determines that the action constitutes a "major Federal action significantly affecting the quality of the human environment," an environmental statement shall be prepared.

4. *Responsibility for environmental statement preparation in multiagency actions.* When two or more agencies are involved in an action, the "lead agency" (the one having primary authority for committing the Federal Government to a course of action) shall prepare the statement. Where there is a question as to primary authority, the Commissioner, ADTS, will report the conflict to the Office of Environmental Affairs, for resolution. In cases where GSA is the "lead agency" but one or more other agencies have partial responsibility for an action, the other agencies shall be requested to provide such information to the responsible ADTS official as may be necessary to prepare a suitable and complete environmental statement as described below.

5. *Preparation of draft environmental statements.* a. Each environmental statement shall be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment." Each statement must reflect that the particular economic and technical benefits of its proposed action have been assessed and then weighed against the environmental costs.

b. It is advisable, in the early stages of draft environmental statement preparation, for the responsible ADTS official to consult with those Federal, State, and local agencies possessing environmental expertise on potential impacts of a proposed action. This will assist in providing the necessary data and guidance for the analyses required to be included in environmental statements as described below.

c. Technical content:

(1) A description of the proposed action and/or a reasonable number of alternatives including the information and technical data adequate to permit a carefull assessment of the environmental impact of proposed action(s) by commenting agencies. If appropriate, three copies of site maps and/or topographic maps at suitable scales shall be provided;

(2) The probable impact of the proposed action(s) on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Consequences of direct and indirect impacts on the environment shall be included in the analysis. For example, any effect of the action(s) on population distribution or concentration shall be estimated and an assessment made of the effect of any possible change in population patterns upon the resources of the area including land use, water supply, public services, and traffic patterns;

(3) Any probable adverse environmental effects that cannot be avoided, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act;

(4) Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of possible alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment shall accompany the proposed action(s) through the agency review process so as not to prematurely foreclose consideration of options which might have less detrimental effects;

(5) The relationship between local short term uses of man's environment and the maintenance and enhancement of long-term productivity shall be discussed. This in essence requires assessment of the action(s) for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations;

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action(s) should it be implemented. Identify the extent to which the action(s) curtails the range of beneficial use of the environment; and

(7) The economic and environmental costs and benefits of the proposed action must be balanced. Alternate courses of action must be discussed as to their affect upon this cost and benefit balance. If a formal cost benefit analysis on the proposed action(s) is prepared, it shall be submitted with the statement.

d. Format requirements:

(1) A summary sheet shall be prepared in accordance with the format prescribed in Appendix 1 of the Guidelines and shall be attached to the environmental statement as the second page; and

(2) A top sheet or title sheet shall also be prepared for each environmental statement following the format prescribed in Attachment 3 containing all essential bibliographic information to facilitate subsequent identification and retrieval.

6. *Submission and distribution of draft environmental statements.* a. The copies of the draft environmental statement shall be transmitted to the Commissioner, ADTS. The Commissioner, ADTS, after review and approval, will submit the necessary copies of the draft environmental statement to the Office of Environmental Affairs for their concurrence prior to transmittal of the statement to the Deputy Administrator. After being signed by the Deputy Administrator, the statement shall be submitted to CEQ, the appropriate Congressman, Senators, and Governor. The draft environmental statement will be furnished by CEQ to the National Technical Information Service (NTIS) of the Department of Commerce, which will for a fee make the statement available to the public upon request. To facilitate this procedure submit a self-addressed Accession Notice

Card, NTIS Form 79, with the CEQ package. This form may be requisitioned through normal forms supply channels.

b. Upon receipt of the signed copy of the transmittal letter to CEQ the responsible ADTS official shall immediately send copies of the draft environmental statement to the appropriate city mayor and to Federal, State, and local agencies for comments. (See also subpars. c, d, and e below.) In addition, the comments of appropriate State, regional, or metropolitan clearinghouses (using the procedures in the Office of Management and Budget Circular A-95 Revised) shall be solicited unless the Governor of the State involved has designated some other point for obtaining this review. The allowable commenting period for draft environmental statements shall be 30 calendar days, except that EPA shall have a 45-day commenting period. All commenting parties shall be advised that if no reply is received within the appropriate period it will be presumed that they have no comment to offer. However, if requests for extensions are made, a maximum period of 15 calendar days may be granted whenever practicable, except for EPA which is held to its 45-day review period. The transmittal letters sent to commenting parties shall indicate that the draft environmental statement is based on the best information currently available.

c. The Federal agencies that shall be asked to comment on draft environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards." These Federal agencies (depending on the aspect or aspects of the environment involved) include components of the:

(1) Advisory Council on Historic Preservation;
(2) Department of Agriculture;
(3) Department of Commerce;
(4) Department of Defense;
(5) Department of Health, Education, and Welfare;
(6) Department of Housing and Urban Development;
(7) Department of the Interior;
(8) Department of State;
(9) Department of Transportation;
(10) Atomic Energy Commission;
(11) Federal Power Commission;
(12) Environmental Protection Agency; and
(13) Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions, the following Federal and Federal-State agencies are also to be consulted:

(1) Tennessee Valley Authority;
(2) Appalachian Regional Commission;
(3) National Capital Planning Commission;
(4) Delaware River Basin Commission; and
(5) Susquehanna River Basin Commission.

d. ADTS officials circulating draft environmental statements for comment shall have determined which of the above-listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 of the Guidelines. Draft environmental statements shall be submitted for comment to the regional contact points of agencies being consulted when such offices have been established pursuant to section 7 of the Guidelines.

e. In implementing the provisions of section 309 of the Clean Air Act, as amended, the responsible official will submit to the appropriate regional office of EPA for review and comment seven (7) copies of all draft environmental statements related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

7. *Preparation of final environmental statements.* Whenever a draft environmental statement is prepared, a final statement must also be prepared by the responsible ADTS official before the proposed action can be initiated. Preparation of the final statement entails attaching all comments received on the draft statement from Federal, State, and local agencies and officials, and a revision of the text of the draft to take these comments into consideration. If some environmental aspects of a project have been certified by an agency having appropriate jurisdiction and responsibility, GSA still has the overall responsibility for project evaluation.

Copies of comments received by the Central Office ADTS shall be referred to the responsible ADTS official for use in final environmental statement preparation.

8. *Submission and distribution of final environmental statements.* The responsible ADTS official shall transmit 10 copies of the final environmental statement as soon as practicable, together with the original and two copies of each agency's comments, to the Commissioner, ADTS. The Commissioner, ADTS, after review and approval will transmit the necessary copies of final text of the environmental statement to the Office of Environmental Affairs for their concurrence. Upon concurrence, the final statement will be sent to the Deputy Administrator for submission to CEQ. The self-addressed Accession Notice Card, NTIS Form 79, should also be included with the final statement.

9. *Public availability.* Public availability of environmental impact statements is provided for a fee, upon request, by the National Technical Information Service of the Department of Commerce. The National Technical Informatoin Service is also prepared to accept and make available to the public all backup reports and studies that were not made an integral part of the environmental impact statements. In an effort to facilitate prompt public availability of environmental statements, NTIS asks all participating agencies to cooperate with them in the following manner.

a. Prepare draft and final statements on 8½ by 11 white paper with clear black type to enhance reproduction at NTIS. All pages of texts and attachments should be sequentially paginated.

b. Submit backup reports and studies to NTIS with self-addressed accession Notice Card.

c. Refer all requestors for copies of environmental statements and backup material to NTIS quoting to them the accession (order) number assigned and shown on the returned accession Notice Card.

10. *Time requirements for preparation and submission of draft and final environmental statements.* a. To the maximum extent practicable, no action is to be taken sooner than 90 calendar days after a draft environmental statement has been circulated for comment, and furnished to CEQ. Action also is not to be taken sooner than 30 calendar days after the final text of the environmental statement has been made available to CEQ and the public. If the final text of an environmental statement is filed at least 60 days after a draft statement has been furnished to CEQ and made public, the 30-day period and 90-day period may run concurrently to the extent that they overlap.

b. Time requirements prescribed in this order shall be followed to the maximum practicable extent, except where (1) advanced public disclosure of a proposed action will result in significantly increased costs to the Government; (2) emergency circumstances make it necessary to proceed without conforming to time requirements; and (3) there would be impaired program effectiveness if such time requirements were followed. Any deviation from standard procedures must be concurred in by the Office of Environmental Affairs.

ATTACHMENT 3

DRAFT

Environmental Statement
for the
(Short Title of the Proposed Action)
as required by
Section 102(2)(C) of the
National Environmental
Policy Act of 1969
prepared by
The General Services Administration

(date)

[FR Doc.73-3268 Filed 2-20-73;8:45 am]

[Wildlife Order 99; N-VA-622]

FISHERMAN'S ISLAND, NORTHAMPTON COUNTY, VA.

Transfer of Property to Interior Department

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Washington, D.C., Regional Office, dated January 4, 1973, the property comprising approximately 1,000 acres of land and 14 buildings, identified as Fisherman's Island, Northampton County, has been transferred to the Department of the Interior.

2. The above identified property was transferred to the Department of the Interior for wildlife conservation purposes in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667b).

Dated: February 9, 1973.

THOMAS M. THAWLEY,
Commissioner.

[FR Doc.73-3266 Filed 2-20-73;8:45 am]

FLAMMABILITY STANDARDS FOR CARPETS AND RUGS

Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference on Flammability Standards for Carpets and Rugs in connection with the next revision of Interim Federal Specification DDD-C-0095A(GSA-FSS), carpets and rugs, wool, nylon, acrylic, modacrylic, polyester, polypropylene.

The purpose of the conference is to provide a forum for consideration of proposed flammability requirements for carpets and rugs for use in federally controlled buildings. It is intended that this will result in (1) mutual understanding of the Government's technical requirements in these areas and (2) ensuring that safety standards for the product to be furnished will decrease fire hazards in public buildings. It will be open to all those in the private sector who have an interest or concern for these matters.

and all other Government departments or agencies having an interest therein are also invited to send their representatives.

The conference will be held on March 14, 1973, at 9:30 a.m., Room 508, Building 3, Crystal Mall, 1931 Jefferson Davis Highway, Arlington, VA. Anyone who wants to attend or desires further information should contact Mr. Joseph F. Lawless, General Services Administration, Federal Supply Service, at telephone number (Area Code 703) 557-7866 or write General Services Administration, Federal Supply Service (FMSF), Washington, D.C. 20406.

Issued in Washington, D.C., on February 9, 1973.

M. S. MEEKER,
Commissioner.

[FR Doc.73-3265 Filed 2-20-73;8:45 am]

[Federal Property Management Regs.; Temporary Reg. F-167]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Communications Commission in a proceeding involving the application of Western Union Telegraph Co. for a TWX-TELEX rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or, employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

FEBRUARY 14, 1973.

[FR Doc.73-3267 Filed 2-20-73;8:45 am]

[Federal Property Management Regs.; Temporary Reg. H-13]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to the Secretary of Housing and Urban Development to dispose of certain real properties for low and moderate income housing because the disposals have been completed.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires February 28, 1973.

4. *Revocation.* This revocation identifies those delegations to the Secretary of Housing and Urban Development which are no longer in force due to completion of the actions for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No., date, and subject

H-5, June 7, 1968, disposition of certain surplus real property at the U.S. Penitentiary Farm No. 1, Atlanta, Ga. (GSA Control Nos. J-Ga-530 A and B).

H-10, May 22, 1969, disposition of certain surplus real property at Installation No. 1479, Selfridge Housing Annex No. 1, Selfridge Air Force Base, Clinton Township, Macomb County, Mich. (GSA Control No. D-Mich-603).

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

FEBRUARY 9, 1973.

[FR Doc.73-3218 Filed 2-20-73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Certain Temporary Instructions

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

[Temporary Instructions 624-2, 626-2, 627-2]

Issued: February 14, 1973.

Subject: Processing of personal appearances and appeals (Reference: §§ 1604.1(b), 1626.4(a), SSR).

1. Personal appearances and appeals shall be processed only for registrants born in 1953 with RSN 001 through 100 (1973 APN), and medical specialists (doctors of medicine, osteopaths, dentists, veterinarians, optometrists, podiatrists and registered nurses) regardless of year of birth or RSN.

2. Personal appearance and appeal processing for other registrants will be held in abeyance pending further instructions, and the registrants' file shall be retained at their present locations.

This temporary instruction will terminate on June 30, 1973.

[Temporary Instruction 628-9]

Issued: February 14, 1973.

Subject: Armed Forces examinations (Reference: §§ 1622.15 and 1680.1, SSR).

1. Any registrant, including medical specialist (doctor of medicine, osteopath, dentist, veterinarian, optometrist, podiatrist or registered nurse), who is currently under an order to report for armed forces examination will have his order canceled. No registrants are to be scheduled for Armed Forces examination until further notice from National Headquarters.

2. There will be no further processing of registrants in Reexamination Believed Justified (RBJ), Acceptability Undetermined (AU) or Registrant Medical Reevaluation and Review (RMR) status until further notice from National Headquarters.

3. Paragraph 1 of Temporary Instruction No. 628-6 is revoked.

This temporary instruction will terminate on June 30, 1973.

[Temporary instruction 632-14]

Issued: February 14, 1973.

Subject: Cancellation of induction orders (Reference: § 1625.2(a), SSR).

1. In accordance with section 625.2 of the RPM, local boards are requested to reopen and consider anew the classification of each registrant who is under order to report for induction including one whose order has been postponed, other than registrants described in paragraph 3 below. The requested action will cancel the order to report for induction for the registrant concerned.

2. Local boards are requested to notify registrants promptly of the action taken under paragraph 1.

3. a. Processing for induction will continue for violators, parolees and certified unsatisfactory reservists. These registrants may be inducted without calls. (Reference: 1631.7, SSR; section 631.7, RPM).

b. No action will be taken with respect to registrants whose induction has been restrained as a result of civil litigation without prior approval of the General Counsel.

4. Volunteers will not be ordered for induction in the absence of an induction call.

This temporary instruction will terminate on June 30, 1973.

[Temporary Instruction 660-9]

Issued: February 14, 1973.

Subject: Processing of registrants in Class 1-O (Reference: § 1625.2(a), SSR).

1. In accordance with section 625.2 of the RPM, local boards are requested to reopen and consider anew the classification of:

a. Any registrant who is under an Order to Report for Alternate Service (SSS Form 153) whose reporting date has been postponed,

b. Any registrant who has been issued a Selection for Alternate Service (SSS Form 155) and who has not subsequently been issued an Order to Report for Alternate Service (SSS Form 153), or

c. Any registrant who has been issued an SSS Form 153 with a reporting date of December 12, 1972, or later.

2. Local boards are requested to notify registrants promptly of the action taken under paragraph 1.

3. Any registrant who has been issued an SSS Form 153 with a reporting date of December 11, 1972, or before, or any violator or parolee who has been issued an SSS Form 153 shall not have his classification reopened or alternate service order canceled but shall continue to be processed for alternate service.

This temporary instruction will terminate on June 30, 1973.

BYRON V. PEPITONE,
Acting Director.

FEBRUARY 15, 1973.

[FR Doc.73-3273 Filed 2-20-73;8:45 am]

SELECTIVE SERVICE FORMS

Notice of Availability

Pursuant to 5 U.S.C. 552(a)(1) notice is given that the following forms may be obtained at any local board of the Selective Service System:

SSS FORMS

1 Registration Card.
80 Standby Reserve Questionnaire.
103 Graduate or Professional College Student Certificate.

109 Student Certificate.
118 Dependency Questionnaire.
127 Current Information Questionnaire (Revised January 1, 1973).
130 Request for Relief from Training and Service in the Armed Forces of the United States (Revised July 1972).
131 Special Form for Alien or Dual National (July 1972).
150 Special Form for Conscientious Objector (Revised Apr. 18, 1972).
151 Application of Volunteer for Civilian Work.
152 Special Form for Class 1–O Registrants.
156 Employer's Statement of Availability of Job as Alternate Service.
172 Special Form for Divinity Student (Sept. 1972).
173 Special Form for Registrant With Court Record (Sept. 1972).
174 Special Form for Surviving Son (Sept. 1972).
175 Special Form for Minister of Religion (Sept. 1972).
254 Application for Voluntary Induction.
305 Notice of Confinement or Release from Confinement.
725 Authorization for Release of Information.

BYRON V. PEPITONE,
Acting Director.

FEBRUARY 14, 1973.

[FR Doc.73–3253 Filed 2–20–73;8:45 am]

TARIFF COMMISSION

[337–L–56]

GOLF GLOVES

Extension of Time for Filing Written Views

On January 26, 1973, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Anthony J. Antonious and Ajax Glove Corp., both of Ellicott City, Md., alleging unfair methods of competition and unfair acts in the importation and sale of certain golf gloves (38 FR 2502). Interested parties were given until February 20, 1973, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business on April 6, 1973.

Issued: February 15, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73–3272 Filed 2–20–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 182]

ASSIGNMENT OF HEARINGS

FEBRUARY 15, 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–117119 Sub 463, Willis Shaw Frozen Express, Inc., now being assigned hearing April 5, 1973 (2 days), at Kansas City, Mo., in a hearing room to be later designated.
MC–113861 Sub 51, Wooten Transports, Inc., extension, Memphis, Tenn., now being assigned hearing April 2, 1973 (2 days), at Memphis, Tenn., in a hearing room to be later designated.
MC–20783 Sub 88, Tompkins Motor Lines, Inc., now being assigned hearing April 4, 1973 (3 days), at Memphis, Tenn., in a hearing room to be later designated.
MC–3062 Sub 33, L. A. Tucker Truck Lines, Inc., now being assigned hearing April 9, 1973 (1 week) at Memphis, Tenn., in a hearing room to be later designated.
AB 5 Sub 68, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the Property of Penn Central Transportation Co., debtor, abandonment between Bellefontaine and St. Marys, Logan and Auglaize Counties, Ohio, now being assigned May 14, 1973 (2 days), at Wapakoneta, Ohio, in a hearing room to be later designated.
AB 5 Sub 80, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the Property of Penn Central Transportation Co., debtor, abandonment between Washington Court House and Clarksville, Clinton, and Fayette Counties, Ohio, now being assigned May 17, 1973 (2 days), at Wilmington, Ohio, in a hearing room to be later designated.
MC–F–11678, Georgia Highway Express, Inc., purchase, Ohio-Kentucky Express, Inc., now being assigned May 21, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.
MC 5812, John P. Sorice, doing business as John P. Sorice Trucking, now assigned March 7, 1973, at Columbus, Ohio, is postponed to May 23, 1973 (3 days), at Columbus, Ohio, in a hearing room to be later designated.
MC 124796 Sub 97, Continental Contract Carrier Corp., now assigned March 8, 1973, at Chicago, Ill., is postponed indefinitely.
MC–F–11423, Tower Lines, Inc.—Control & Merger—All Ohio Trucking Co., MC 65941 Sub 36, Tower Lines, Inc., Extension, Ohio, now being assigned March 26, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 108811 Sub 6, Thomas Motor Tours, Inc., continued to March 1, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC–123407 Sub 108, Sawyer Transport, Inc., now being assigned hearing March 19, 1973 (1 day), will be held in the Tax Court Room, 1743 Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.
MC–105566 Sub 80, Sam Tanksley Trucking, Inc., now being assigned hearing March 20, 1973 (1 day), will be held in the Tax Court Room, 1743 Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.
AB–5–78, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Williard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Mathews and Muncie, Grant and Delaware Counties, Ind., now being assigned hearing March 22, 1973 (2 days), at Muncie, Ind., in a hearing room to be later designated.
MC–113843 Sub 185, Refrigerated Food Express, Inc., now assigned March 5, 1973, at Boston, Mass., is postponed indefinitely.
MC 127487 Sub 2, Holt Motor Express, Inc., now assigned March 19, 1973, at Philadelphia, Pa., will be held in the U.S. Custom House, U.S. Customs Court Room, 3rd Floor, Second and Chestnut Streets.
MC–F–11664, John L. Kerr and G. O. Kerr, Jr., doing business as Shippers Express, John L. Kerr and G. O. Kerr, Jr.—Investigation of Control—Mississippi Freight Lines, Inc., MC–F–11703, John L. Kerr and G. O. Kerr, Jr., doing business as Shippers Express, John L. Kerr, and G. O. Kerr, Jr.—Investigation of Control—Reese Truck Line, Inc., MC–F–11750, Mississippi Freight Lines, Inc., a Tennessee corporation—Purchase—Mississippi Freight Lines, Inc., a Mississippi corporation now being assigned hearing April 2, 1973 (2 weeks), at Jackson, Miss., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–3271 Filed 2–20–73;8:45 am]

[Notice 212]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 8, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73804. By order entered January 23, 1973, the Motor Carrier Board approved the transfer to William A. Harris and James L. Harris, a partnership, doing business as Harris Trucking Co., El Segundo, Calif., of the operating rights set forth in Certificates Nos. MC–32606 and MC–32606 (Sub-No. 2), issued October 28, 1960, and October 23, 1964, respectively to William Wayne Talkington, Jr., doing business as Talkington Truck Co., Torrance, Calif., authorizing the transportation of lumber and forest products, from Los Angeles Harbor and Long Beach Harbor, Calif., to 21 specified points in California; and lumber and prefabricated wooden trusses, from Upland, Calif., to points in Clark County, Nev., and those points in Nye County, Nev., south of an imaginary line running due east and west of Springdale, Nev. Milton W. Flack, 4311 Wilshire Boulevard, Los Angeles, Calif. 90010, attorney for applicants.

No. MC–FC–74098. By order of January 24, 1973, the Motor Carrier Board approved the transfer to Thompson Bros. Trans., Inc., Medford, Mass., of the operating rights in Certificate No. MC–77179 issued March 10, 1953, to James J. Thompson, doing business as Thompson Brothers, Medford, Mass., authorizing the transportation of various commodities from, to, and between points in Massachusetts, New Hampshire, Connecticut, Rhode Island, and New York. Gerard J. Donovan, 7 Pin Oak Way, Falmouth, MA 02540, representative for applicants.

No. MC–FC–74106. By order of January 23, 1973, the Motor Carrier Board approved the transfer to Wm. J. Renner Carting Co., Inc., Rochester, N.Y., of that portion of the operating rights in Certificate No. MC–38514 issued June 9, 1961, to Blanchard Moving & Storage Company, Inc., Rochester, N.Y., authorizing the transportation of general commodities, with usual exceptions, between points within 10 miles of Rochester, N.Y., including Rochester. S. Michael Richards, 44 North Avenue, Webster, NY 14580, registered practitioner for applicants.

No. MC–FC–74138. By order of January 23, 1973, the Motor Carrier Board approved the transfer to Hamner, Inc., Houston, Tex., of Certificate of Registration No. MC–121119 (Sub-No. 1), issued July 21, 1964, to Liquid Carriers, Inc., Pasadena, Tex., evidencing a right to engage in transportation in interstate commerce corresponding in scope to Specialized Motor Carrier's Permanent Certificate of Convenience and Necessity No. 6807, Docket No. S–4374 dated January 18, 1956, issued by the Railroad Commission of Texas. Phillip Robinson, Robinson, Felts, Starnes, and Nations, Post Office Box 2207, Austin, TX 78767, applicants' attorney.

No. MC–FC–74190. By order entered January 24, 1973, the Motor Carrier Board approved the transfer to Sylvia P. Sgro and Angelo H. Sgro, a partnership, doing business as Sgro Bros., Numine, Pa., of the operating rights set forth in Certificate No. MC–24520, issued April 14, 1955, to Dominic Sgro and Sylvia P. Sgro, a partnership, doing business as Sgro Bros., Numine, Pa., authorizing the transportation of household goods as defined by the Commission, between points in Armstrong, Jefferson, and Indiana Counties, Pa., on the one hand, and, on the other, points in New York, New Jersey, the lower peninsula of Michigan, Ohio, Illinois, and West Virginia. Robert E. Ashe, Gilpin Building, Kittanning, Pa. 16201, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–3270 Filed 2–20–73;8:45 am]

[Notice 213]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 15, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC–FC–74289. GRAHAM H. BELL (sole proprietor), doing business as B and W TRUCKING, 12 East Main Street, Gloucester, MA 01930, seeks temporary authority to lease the operating rights of JAMES F. BLACK (sole proprietor), doing business as PARKVILLE TRUCKING COMPANY, 3641 Pulaski Boulevard, Baltimore, MD 21224, under section 210a(b). The transfer to GRAHAM H. BELL (sole proprietor), doing business as B and W TRUCKING, of the operating rights of JAMES F. BLACK (sole proprietor), doing business as PARKVILLE TRUCKING COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–3269 Filed 2–20–73;8:45 am]

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